

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17451 of 2023

Arising Out of PS. Case No.-305 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Vaishali

NAWAL KISHORE SAH Son of Prabhu Lal Sah R/V- Bibipur, P.S- Vaishali
(Belsar O.P) Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Choubey, Advocate
For the Opposite Party/s : Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection with Excise P.S. Vaishali, Hajipur Case No. 305 of 2022 for the offence registered under section 20(b) of the N.D.P.S. Act, 1985 lodged on 02.11.2022 by the informant, Razia Sultan.

The prosecution case, in brief, is that the informant alleged that on 02.11.2022 at about 8:00 O'clock, she got secret information that one Nawal Kishore Sah at village Bibipur under Belsar O.P. is selling illegal liquor behind grocery shop. The informant along with other police official reached at place of occurrence for verification of the information at about 11:50 A.M. On seeing the police party, two persons tried to escape.



They were unsuccessfully chased by the police. During course of escape, a black polythene was thrown by one person. On search of said polythene, 160 Grams of '*Ganja*' was recovered and the same was seized. The persons assembled there disclosed that the said house and shop belongs to accused-petitioner Nawal Kishore Sah who used to sell the same. Accordingly, the FIR.

It has been submitted by the learned counsel for the petitioner that the recovery is from an open area of 160 gm '*ganja*' and not either from his house and/or his vehicle and due to enmity, locals named him.

Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that the allegation of recovery of 160 gm '*ganja*'.

Considering the fact that the same has been recovered from an open place, his name has come merely on the basis of the suspicion raised by some villagers, the recovery is of 160 gm '*ganja*' and he do not have criminal antecedent, this Court is inclined to extend him privilege of anticipatory bail.

Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of



Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Vaishali at Hajipur in connection with Excise P.S. Vaishali, Hajipur Case No. 305 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the anticipatory bail



application stands allowed.

(Rajiv Roy, J)

Jagdish/Neha/-

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