

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64708 of 2023

Arising Out of PS. Case No.-8 Year-2023 Thana- JOKIHAT District- Araria

Kailash Mistry Son Of Anlal Mistry, Resident Of Village- Sisona Ward No. 09, P.S.- Jokihat, Distt- Araria

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Jokihat P.S. Case No. 08 of 2023 registered for the offences punishable under Sections 20 and 22 of the Narcotic Drugs and Psychotropic Substances Act. He has got no criminal antecedent.

3. As per the prosecution story, the informant, who is A.S.I., got secret information that ganja is being illegally sold in Ward No.9. Accordingly, the informant along with the police team raided the house of one Anlal Mistri where they saw a lady trying to hide a sack. She was apprehended and she disclosed herself as wife of this petitioner. Upon search of said sack, 4 kg 100 gram ganja was recovered.

4. Learned counsel for the petitioner submits that the

petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner was not present at the place of occurrence. The alleged recovery of ganja is much less than the commercial quantity. It is further submitted that the wife of the petitioner has already been arrested.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the facts and circumstances of the case wherein the alleged quantity of ganja is said to be 4 kg 100 grams which is much less than the commercial quantity and the rigours of Section 37 of the N.D.P.S. Act is not attracted, further wife of the petitioner has already been arrested in connection with this case and the petitioner was not present in the house when the alleged recovery has been made, he has otherwise no criminal antecedent, in the circumstances, this Court directs that in case of his arrest or surrender within a period of six weeks from today, the petitioner above named be released on bail in connection with Jokihat P.S. Case No. 08 of 2023 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions cum Special Judge, N.D.P.S. Act, Araria, subject to the conditions as laid down under Section 438(2) of

the Cr.P.C.

7. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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