

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73415 of 2023

Arising Out of PS. Case No.-354 Year-2023 Thana- BHOORE District- Gopalganj

ABHIMANYU SAH S/O BANARSI GOND VILLAGE- BHOOREY
PASCHIM TOLA, P.O. AND PS. BHOOREY, DIST. GOPALGANJ

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Dubey, Adv

For the Opposite Party/s : Ms.Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks regular bail in connection with
Bhorey P.S. Case No. 354 of 2023, registered for the offence
punishable under sections 8(c)/21(a) of the NDPS Act.

3. As per the prosecution story, the police upon secret
information raided the place of the petitioner and
recovered/seized 04.70 gram smack which was kept in 20
(*pudiya*) the same was recovered from his pocket. Accordingly,
the FIR/arrest.

4. Learned counsel for the petitioner submits that the
police has implicated him in this case despite the fact that he do
not have criminal antecedent and has already suffered by being
in custody since 23.07.2023 (para-10 of the petition). He



further submits that the recovered smack is below the commercial quantity.

5. Learned APP for the State opposes the prayer for bail and submits that upon search smack was recovered, though small quantity the same was for purpose of selling.

6. Taking into account the submissions put forward by the learned counsel for the parties as also the fact that the recovered/seized quantities below the commercial and he do not have criminal antecedent, this Court is inclined to extend him privilege of bail.

7. Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Session Judge, Gopalganj in connection with Bhorey P.S. Case No. 354 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her 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/her bail bond by the Trial court itself;



(iii) the petitioner shall appear before the concerned police station every fortnight for next six months 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 his 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.

(Rajiv Roy, J)

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