

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.8972 of 2024**

Arising Out of PS. Case No.-290 Year-2023 Thana- SILAO District- Nalanda

Shailendra Kumar @ Shailendra Singh S/o Shri Kameshwar Singh R/o Vill -  
Kariyanna, P.O. - Ghostawan, P.S. - Silao, Dist. - Nalanda, Pin - 803117

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Deepak Bharti, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

3      21-03-2024                      Heard Mr. Deepak Bharti, learned Counsel for the  
petitioner and Mr. Satyendra Narayan Singh, learned APP for  
the State.

2. The petitioner apprehends his arrest in connection  
with Silao P.S. Case No. 290 of 2023 for the offence registered  
under sections 8 and 20 of the Narcotics Drugs and  
Psychotropic Substances Act lodged on 18.10.2023 by the  
informant, Pankaj Kumar Pawan.

3. As per the prosecution story, the informant alleged  
that upon information that poppy plant has been grown by the  
accused persons, reached there and recovered/seized 2.670 kgs.  
of 'ganja' plant as also sachet of 4 and 5 grams respectively.  
Accordingly, the FIR.

4. Learned Counsel for the petitioner submits that



only on suspicion, they have alleged that the plant recovered/seized is 'ganja', there is nothing on record to show that it has been subsequently sent to the lab and/or a report has been received and he do not have criminal antecedent.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that recovery/seizure is from his place.

6. Considering the submissions as also the quantity and the fact remains that no report is on record, the petitioner do not have criminal antecedent, this Court is inclined to extend him privilege of anticipatory bail.

7. 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. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Court of Special Judge (NDPS) Biharsharif, Nalanda in connection with Silao P.S. Case No. 290 of 2023 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 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 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.

**(Rajiv Roy, J)**

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