

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13288 of 2024

Arising Out of PS. Case No.-167 Year-2023 Thana- NATIONAL HIGHWAY District-
Samastipur

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Nawal Kishore Singh @ Nawal Mahto S/O Bodhi Singh @ Rudal Mahto R/O
Village- Muradpur Bangra, P.S-N.H. Bangra, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raja Ram Mishra
For the Opposite Party/s : Mr.Shailendra Kumar

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 19-03-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.
2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 20(B)II(A)
of NDPS Act.
3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and has been falsely
implicated in the instant case by the informant alleging that 44
grams of *ganja* were recovered from a room of his house. It is
next submitted that commercial quantity of *ganja* is 20 kg and
above, while small quantity is up to 1 kg. It is further submitted
that in the present case the allegation is of recovery of 44 grams.
4. The learned counsel very fairly submits that at



times even *ganja* in meager quantity is kept for consumption. It is thus submitted that even presuming what has been alleged is true without admitting then the *ganja* recovered is of a very meager quantity, i.e., 44 grams. It is next submitted that petitioner was not apprehended from the spot and came to be implicated in the instant case on the ground that the house from which the *ganja* was recovered belongs to him when so many people live in the said house as such the entire allegation hinges around suspicion and even the *ganja* was not recovered from the room where the petitioner resides. It is further submitted that petitioner will not abscond rather will cooperate in the investigation.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with NH



Bangra P.S. Case No. 167 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that in the event, if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioner, despite giving assurance to this court, is not cooperating in the investigation, in that event, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner and to take all coercive steps to ensure that the petitioner is behind bars.

8. It is further made clear that if after investigation, charge sheet is submitted connecting the petitioner with the offence, in that event the present anticipatory bail order shall lose its effect.

(Satyavrat Verma, J)

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