

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44160 of 2024

Arising Out of PS. Case No.-1 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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Amit Kumar Thakur Son of Dinesh Thakur R/O Basantpatti, P.O.-
Purnahaiya, District- Sheohar, Bihar

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Union Of India

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Aiman Hassan, Advocate
	:	Mr. Afham Akhtar, Advocate
	:	Mr. Ashar Akhtar, Advocate
For the State	:	Mr. Anil Kumar Singh No. 1, APP
For the UOI	:	Mr. Awadhesh Kumar Pandey, Sr. CGC
	:	Mr. Mukesh Kumar, CGC
	:	Mr. Lokesh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 11-11-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with TR. No. 55 of 2023, NDPS Case (Reg.) No. 16 of 2023 arising out of C1-1 of 2022 (Seemashulk Chowki Bairgania P.S./Unit Case No. 14 of 2022) for the offences punishable under Sections 20 and 29 of the Narcotic Drugs and Psychotropic Substances Act.

3. As per the prosecution story, the informant alleged that on secret information about movement of ganja from Nepal to India, the accused persons were apprehended and there is recovery/seizure of 9 Kg ganja. Accordingly, the F.I.R.



4. Learned counsel for the petitioner submits that he had no role to play and on the false premise, got implicated, being a poor remained in custody since 22.08.2022 (paragraph no.14 of the petition) and has not criminal antecedent. Further, recovered/seized material is below the commercial quantity.

5. Learned counsel appearing on behalf of Union of India vehemently opposed the prayer for bail submitting that the recovery/seizure is from the petitioner. However, he concede that the same is below the commercial quantity.

6. Having heard the parties as also taking into account the fact that the recovery/seizure is below the commercial quantity, he has remained in custody for more than two years and has no criminal antecedent, this Court is inclined to extend him the privilege of bail.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Trial Court, Sitamarhi, in connection with TR. No. 55 of 2023, NDPS Case (Reg.) No. 16 of 2023 arising out of C1-1 of 2022 (Seemashulk Chowki Bairgania P.S./Unit Case No. 14 of 2022), subject to the following conditions:

(i) one of the bailor should be the family



member/relative 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 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 his attendance;

(iv) the petitioner shall in now 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 bail bonds.

(Rajiv Roy, J)

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