

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.40885 of 2024**

Arising Out of PS. Case No.-31 Year-2024 Thana- PALANWA District- East Champaran

Shatrudhan Sharma @ Satan Son of Late Kamal Sharma, Resident of Village-  
Laukariya, Police Station- Palanwa, District- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner : Mr. Shrinath Manjhi, Advocate  
For the Opposite Party : Mr. Ajay Kumar Jha, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      03-07-2024                      Heard Mr. Shrinath Manjhi, the learned counsel for  
  
the petitioner and Mr. Ajay Kumar Jha, the learned Additional  
  
Public Prosecutor for the State.

2.                      The petitioner is apprehending his arrest in  
  
connection with Palanwa PS Case No. 31 of 2024, FIR dated  
  
07.03.2024, registered for the offences punishable under Sections  
  
20, 22, 23 and 27 of the NDPS Act.

3.                      According to the prosecution case, the informant,  
  
upon receiving secret information that petitioner has kept ganja in  
  
his hut / *jhari*, made a search of the alleged place and seized 600  
  
grams of alleged contraband kept in a plastic.

4.                      Learned counsel for the petitioner submits that  
  
petitioner has clean antecedent and he has falsely been implicated  
  
in the present case. He further submits that upon perusal of the  
  
FIR, it appears that on the basis of confidential information that



petitioner has kept *ganja* in a hut / *jhari*, a search was made and 600 grams of *ganja* was recovered from the hut / *jhari* of the petitioner. He further submits that although, as per the FIR, recovery has been made from the hut / *jhari* of the petitioner, but there is non-compliance of Section 50 and Section 45 of the NDPS Act and apart from that, till date the prosecution has not sent the recovered contraband for the FSL examination. He lastly submits that the petitioner was not apprehended from the place of occurrence.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and mainly the facts that petitioner has clean antecedent, without FSL examination of the recovered contraband the petitioner has been implicated in the present case and the amount of recovered contraband is less than the commercial quantity, let the petitioner, above-named, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 12<sup>th</sup> Additional Session Judge-cum-Special Judge, Motihari, East Champaran,



where the case is pending in connection with **Palanwa PS Case No. 31 of 2024**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the learned trial Court 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 learned trial Court 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.

**(Rajesh Kumar Verma, J)**

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