

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.45884 of 2024**

Arising Out of PS. Case No.-111 Year-2024 Thana- RANIGANJ District- Araria

Rakesh Sah @ Subhash Sah S/o Shiv Narayan Sah Resident of Village -  
Belsara Goth, ward no. 10, P.S. - Raniganj District Araria

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The Union of India through Intelligence Officer, Narcotics Control Bureau  
Patna Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Rajnish Kumar, Advocate  
For the State : Mr. Binod Kumar, APP  
For the U.O.I. : Mr. Rakesh Kumar Sinha, CGC

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

2      24-07-2024      Heard the parties.

2. The petitioner is apprehending his arrest in connection with Raniganj P.S. Case No. 111 of 2024 for the offence punishable under sections 8(c), 21(b) of N.D.P.S. Act, 1985 lodged on 23.03.2024 by the informant, Sanjay Kumar.

3. As per the prosecution story, the informant, a Police Inspector alleged that to arrest the absconding accused, regular checking was being made during the 2024 Lok Sabha election. In course whereof, upon information that ‘Ganza’ plants have been planted by this petitioner, they visited the place. The allegation is that this petitioner escaped and in the presence of his wife and other witnesses, a search was made and the seized



item/ganza plants weighing 4.332 kg recovered/seized.  
Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the recovery/seizure is from an open place and not from his conscious possession, even otherwise it is 4.332 kg which is below the commercial quantity of 20 kg, he do not have criminal antecedent and is ready to diligently appearing in trial.

5. Learned counsel for the Union of India opposes the prayer submitting that upon secret information, the place was raided and in the presence of his wife, recovery/seizure has been made.

6. Taking into account the fact that recovery/seizure is from an open place, a joint house, the petitioner do not have criminal antecedent, is ready to cooperate in the investigation and will be diligently appearing in trial, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Sessions Judge, Araria cum Special Judge, NDPS Act, Araria, in connection with Raniganj P.S.



Case No. 111 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative 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 bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark his 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 his bail bonds.

**(Rajiv Roy, J)**

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