

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45732 of 2024

Arising Out of PS. Case No.-45 Year-2024 Thana- Excise P.S. District- Purnia

Rajesh Sah S/O Upendra Sah R/O Village-Bansi Tola, ward no. 2,P.S.-Barhara
Kothi, Distt-Purnea, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Ms.Diksha Kumari, Advocate
For the Opposite Party/s :		Ms.Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 21-10-2024 Heard Ms. Diksha Kumari, learned counsel for the
petitioner and the State.

2. The petitioner is in judicial custody in connection with Excise Dhamdaha P.S. Case No. 45 of 2024 for the offence punishable under Sections 8/20(b)(ii)(B) of the NDPS Act lodged on 04.04.2024 by the informant, Dinesh Kumar Das.

3. As per the prosecution story, the informant received secret information about sell of liquor and accordingly when they reached the place found, this petitioner alongwith a bag and upon search 2.516 kgs of *ganja* was recovered/seized. Accordingly, the petitioner was arrested and the FIR.

4. Learned counsel for the petitioner submits that the police only to implicate has given the narration of this



recovery/seizure. In any case, the recovered quantity is below the commercial one and he do not have criminal antecedent. Last submission is that the petitioner is in custody since 05.04.2024 (para-14 of the petition).

5. Learned APP opposes the prayer though concedes that it is below the commercial quantity.

6. Considering the aforesaid submission as also the fact that recovery/seizure is below the commercial quantity, the petitioner is in custody since 05.04.2024 and do not have criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

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 Special Judge NDPS Act, Purnea, in connection with Excise Dhamdaha P.S. Case No. 45 of 2024 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 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 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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