

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48904 of 2024

Arising Out of PS. Case No.-154 Year-2024 Thana- PUPRI District- Sitamarhi

Rishikesh Kumar S/o Saroj Singh R/o Village-Basant, P.S.-Bajpatti, District-Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate
For the Opposite Party/s : Mr. Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 21-09-2024 Heard Mr. Anil Kumar, learned Advocate for the
petitioner and the learned APP for the State.

2. Application for grant of bail to the petitioner, who is in custody in connection with Pupri P.S. Case No.154 of 2024 registered for the offence punishable under Section 20(b)(ii)(B) of the N.D.P.S. Act, 1985.

3. The police on a secret information raided a mango orchard and apprehended the petitioner. On search 02 Kg of Ganja like substance was recovered and accordingly seizure list was prepared.

4. Learned Advocate for the petitioner contended that the petitioner is a student pursuing his study in a reputed college. Moreover, only on suspicion the name of the petitioner has been implicated in this case. There is no compliance of any mandatory provision much less under Sections 42 and 50 of the



N.D.P.S. Act, 1985. Even if the allegation taken to be true for the sake of argument, the recovered Ganja is of below the commercial quantity and as such the mandatory provision as required under Section 37 of the N.D.P.S. Act, 1985 would not be attracted. Now the investigation of the crime is complete and the charge-sheet has been submitted, moreover, the petitioner has been incarcerated since 03.04.2024.

5. On the other hand, learned APP for the State vehemently opposed the bail application and submits that the recovery has been made from the conscious possession of the petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the quantity of the recovered Ganja and the fact that the investigation of the crime is complete and the charge-sheet has been submitted but without the FSL report as also the infirmities in the search and seizure as has been pointed out by the learned Advocate for the petitioner, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned District & Sessions Judge, Sitamarhi in connection with Pupri P.S. Case No.154 of 2024, subject to the condition that one of



the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below 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 court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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