

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55927 of 2024

Arising Out of PS. Case No.-151 Year-2024 Thana- BIHIA District- Bhojpur

Chandra Prakash Singh @ Chunnu Singh Sonof Late Baijnath Singh Resident
of Village-Makhdumpur, P.S.-Bihiya, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 04-09-2024 Heard Mr. Anil Kumar Singh learned counsel for the

petitioner and Mr. Jitendra Kumar Singh learned APP for the

State.

2. The petitioner is apprehending his arrest in connection with Bihiya P.S. Case No. 151 of 2024 for the offence under Sections 20(b), 20(b)(ii) of the N.D.P.S. Act lodged on 21.05.2024 by the informant, Rajesh Malakar.

3. As per the prosecution story, the informant upon information that this petitioner sells *Ganja* lodged a 'sanha' and informing the higher officials proceeded to the place. Upon reaching the house of the petitioner, a person fleeing away after throwing a plastic bag, the chowkidaar disclosed his name as this petitioner and from the bag, altogether 17.600 Kg. *Ganja* was recovered/seized. Accordingly the F.I.R.



4. Learned counsel for the petitioner submits that he do not have any criminal antecedent, the chowkidaar implicated him with this recovery theory, without even ascertaining the powder that has been recovered/seized from an appropriate laboratory, it has been recorded that 17.600 Kg of *Ganja* has been recovered. He submits that in any case, it is below the commercial quantity of 20 kg. He further submits that if the relief is granted to him, he shall be diligently appear in trial.

5. Learned APP opposes the prayer but accepts that the fact that the commercial quantity is 20 Kg.

6. It has been undertaken by the learned counsel for the petitioner that the petitioner will be diligently appear in trial.

7. Considering the aforesaid submissions as also the fact that it is below the commercial quantity i.e. 20 Kg. and petitioner do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail.

8. 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 District and Sessions Judge, Bhojpur at Ara, in connection with Bihiya P.S. Case No. 151 of 2024



subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also with 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/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 next 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)

Ankit Kumar/-

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