

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56868 of 2024

Arising Out of PS. Case No.-106 Year-2024 Thana- NAUGACHIA District- Bhagalpur

1. Laxman Singh @ Laxman Kumar, Son of Bucho Singh @ Bucho Mandal, Resident of Village - Pakra, Ward No.- 08, P.S.- Naugachia, Dist.- Bhagalpur.
2. Bucho Singh @ Bucho Mandal, Son of Late Matuki Singh @ Matuki Singh, Resident of Village - Pakra, Ward No.- 08, P.S.- Naugachia, Dist.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate
For the Opposite Party/s : Mr. Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 31-08-2024 Learned counsel for the petitioners seeks permission to withdraw the petition for anticipatory bail of petitioner no.2 Bucho Singh @ Bucho Mandal.

2. Permission is accorded.

3. Accordingly, the petition for anticipatory bail of petitioner no.2 Bucho Singh @ Bucho Mandal is dismissed as withdrawn.

4. Heard learned counsel for the petitioner no.1 Laxman Singh @ Laxman Kumar and learned APP for the State.

5. In this present case, the petitioner no.1 is apprehending his arrest in connection with Naugachia P.S. Case No. 106 of 2024, registered on 03.04.2024 for the offences



under Sections 8/20(B)/IIB/25/29 of the N.D.P.S. Act.

6. As per prosecution case, police received secret information about petitioner along with his co-accused father involved in storage and sale of *Ganja*. A raid was conducted on the house of the petitioner and recovery of 2 Kg of *Ganja* was made from below the staircase of the house.

7. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. It is clear from the FIR that when the raid was conducted, no person was present in the house of the petitioner. The petitioner was not apprehended from the spot and nothing incriminating has been recovered from the person or possession of this petitioner as the petitioner and his family members had gone to attend a marriage ceremony in another village on 03.04.2024. Learned counsel further submits that in the absence of petitioner and his family members, local antisocial elements kept the *Ganja* in his house and informed the local police. Moreover, the house is stated to be belonging to co-accused father of the petitioner and no liability could be fastened upon this petitioner for the recovery made from the house of the petitioner. Petitioner is having clean antecedent.



8. Learned APP opposes the prayer for anticipatory bail. Learned APP submits that the raid was conducted on the basis of information received about the petitioner and co-accused father of the petitioner involved in the trade of illicit *Ganja* and recovery of 2 Kg *Ganja* was made from the house of the petitioner.

9. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the house is stated to be belonging to the father of the petitioner and further considering the fact that no recovery has been shown from this petitioner and also considering the clean antecedent of the petitioner coupled with possibility of false implication, let the **petitioner no.1 Laxman Singh @ Laxman Kumar**, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Bhagalpur/concerned court in connection with Naugachia P.S. Case No. 106 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:



- (i) One of the bailors will be a close relative of the petitioner no.1.
- (ii) The petitioner no.1 will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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