

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69724 of 2024

Arising Out of PS. Case No.-34 Year-2020 Thana- INARWA District- West Champaran

Yogendra Sah @ Jogendra Sah S/O Late Paras Sah R/O Village- Jhajhari, P.S-
Inarwa, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 23-10-2024 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner apprehends his arrest in connection with Inarwa P.S. Case No. 34 of 2020, registered for the offences punishable under Sections 8, 20(B)(ii)(B) of the NDPS Act.

3. The petitioner is said to be allegedly engaged in trade of narcotics. On the aforesaid information, the police conducted raid and in course of search, 15 kg of *ganja* has been recovered from a hut, which is said to be owned by the petitioner.

4. Learned Advocate for the petitioner drawing the attention of this Court to the FIR and the seizure list has contended that the hut, in question, from where recovery has



been made, is an abandoned hut, constructed at a lonely place, easily accessible to all. The police during the course of investigation having found no complicity of the petitioner has submitted final form, showing the petitioner to be an innocent. The final report has been placed on record as Annexure-2 to the bail application. It is further contended that apart from various other infirmities in the search and seizure, the charge-sheet has been submitted without obtaining the FSL report and, as such, there is serious illegality. The petitioner bears fair antecedent and he undertakes that he will fully co-operate in the proceeding of the Court. Despite the fact that the police has submitted final form, the learned jurisdictional Court has taken cognizance for the offences as alleged in the FIR. In such circumstances, the petitioner approached before this Court seeking anticipatory bail.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that the learned Court has taken cognizance for the offences as alleged in the FIR on being found materials collected during the course of investigation.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that during the



course of investigation, no materials have come suggesting the complicity of the petitioner in the crime, leading to not sent up the petitioner for trial. However, differing with the final report, the learned Court has taken cognizance for the offences as alleged in the FIR, coupled with the fair antecedent, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge (NDPS), Bettiah, West Champaran in connection with Inarwa P.S. Case No. 34 of 2020, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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