

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67521 of 2024

Arising Out of PS. Case No.-252 Year-2024 Thana- SIMRI District- Buxar

Sachidanand Pathak, Son of Late Ram Pravesh Pathak, Resident of Village-
Niyazipur, PS-Simri, Hata OP, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nirbhay Prashant, Advocate

For the Opposite Party/s : Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 01-10-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In this present case, the petitioner seeks bail in connection with Simri (Hata O.P.) P.S. Case No. 252 of 2024, registered on 30.07.2024 for the offences under Sections 20(B) iiA & 27(a) of the NDPS Act, 1985.

3. As per prosecution case, recovery of 677 grams of Ganja along with Rs. 99,000/- in cash were made from the house of the petitioner when a raid was conducted on a tip off.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. From bare perusal of FIR, it is apparent that seized Ganja comes within the small quantity notified by the government under NDPS Act. Moreover, said



recovery has not been shown from the conscious possession of this petitioner and the recovery has been made from a joint house inhabited by a number of persons. Recovery of Rs. 99,000/- was not the proceeds of sale of contraband as the said money was kept for purchase of land in the joint family. Procedure of Sections 41, 42, 43 and 50 of the NDPS Act has not been followed and search and seizure was not done in accordance with law and no copy of the seizure list has been handed over to any of the family members of the petitioner. Learned counsel further submits that all the sections mentioned in the FIR are bailable in nature. The petitioner has got no criminal antecedent. The petitioner is in custody since 31.07.2024.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner. Learned APP submits that recovery of 677 grams of Ganja and Rs. 99,000/- were made from the house of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the recovery of small quantity of *Ganja* and also considering the clean antecedent of the petitioner as well as his period of custody, the petitioner above named is directed to 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 District & Sessions Judge-cum-Special Judge, NDPS Act, Buxar/concerned court in connection with Simri (Hata O.P.) P.S. Case No. 252 of 2024, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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