

IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.77689 of 2024

Arising Out of PS. Case No.-114 Year-2024 Thana- BELA District- Sitamarhi

Jai Kishore Sah Halwai @ Jay Kishor Sah Haluwai son of Badra Sah Halwai  
@ Badri Sah Haliwai village - Gaushala ward no. -4, P.O. - Gaushala, P.S. -  
Gaushala, Dist. - Mahottari @ Mahotari (Nepal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate  
For the State : Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY  
ORAL ORDER

2      12-11-2024      Heard the parties.

2. The petitioner is in judicial custody in connection with Bela P.S. Case No. 114 of 2024 for the offences punishable under Section 8/20 (b) of the NDPS Act, lodged on 05.05.2024 by the informant, Vatsayu Lasuh.

3. As per the prosecution story, the informant alleged that on secret information that a person coming from Nepal was apprehended by the patrolling party and recovery/seizure of 5 Kg *ganja* has been alleged, which led to the F.I.R., arrest.

4. Learned counsel for the petitioner submits that he has been implicated in the matter, has no criminal antecedent, nothing has been recovered from his conscious possession and lastly, the same is below the commercial quantity.



5. Learned APP for the State opposes the prayer submitting that the police intercepted and found *ganja* in his possession. Further, he concede the same is below the commercial quantity.

6. Considering the submissions put forward by the parties as also the fact that recovered/seized material is below the commercial quantity and the petitioner do not have criminal antecedent and is in custody since 06.05.2024 (paragraph no.17 of the petition), this Court is inclined to extend him the privilege of bail.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 20,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge, NDPS Act, Sitamarhi, in connection with Bela P.S. Case No. 114 of 2024, subject to 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 *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court 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 fortnight for next one year to mark his attendance;

(iv) the petitioner shall in now 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 bail bonds.

**(Rajiv Roy, J)**

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