

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75797 of 2024

Arising Out of PS. Case No.-405 Year-2024 Thana- SITAMARHI District- Sitamarhi

Prabhu Bhagat Son of Late Mahendra Bhagat Resident of Village- Madanpur
Ward No.5, P.S.- Parsauni, Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate
For the State : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-10-2024 Heard Mr. Ashok Kumar Jha, learned counsel for
the petitioner and learned APP for the State.

2. The petitioner is in judicial custody in connection with Sitamarhi P.S. Case No. 405 of 2024 for the offences punishable under Sections 8/21 of the N.D.P.S Act and later on added sections 21(b) and 23(b) of NDPS Act, lodged on 30.06.2024 by the informant, Sahla Wahid.

3. As per the prosecution story, the informant alleged that while on duty, saw the petitioner trying to escape at the sight of the police. He was apprehended and there is recovery/seizure of 15.55 gm smack like powder which led to the F.I.R.

4. It is the case of the petitioner that the raiding team has become the seizure list witnesses, despite presence of so



many people. Further, only because he has criminal antecedent, he has already suffered by being in custody since 01.07.2024 (paragraph no.11 of the petition) and in any case, the quantity envisaged under N.D.P.S. Act, 1985 is 5 gm to 250 gm as commercial quantity and the recovery/seizure is allegedly is below the said quantity.

5. Learned APP for the State opposes the prayer submitting that he has criminal antecedent also and there is recovery/seizure of the Narcotic Drugs.

6. Though there is recovery/seizure, the same is below the commercial quantity, he has remained in custody since 01.07.2024, taking into account the aforesaid facts, 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. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge, Sitamarhi in connection with Sitamarhi P.S. Case No. 405 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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