

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77031 of 2024

Arising Out of PS. Case No.-86 Year-2024 Thana- PATKHAULI District- West Champaran

1. Anil Sahani S/o- Sri Hiralal Sahani @ Hiralal Resident of village- Bodhi Chhapra Panihwa, Ps- Hanumanganj District- Kushinagar
2. Mukesh Sahani @ Mukesh Kumar S/o- Late Kailash Sahani Resident of village- Bodhi Chhapra, Ps- Hanumanganj District- Kushinagar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharad Kumar Verma, Advocate

For the Opposite Party/s : Mr. Arvind Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 30-10-2024

Heard the parties.

2. The petitioners are in custody in connection with Patkhauli P.S. Case No. 86 of 2024 for the offence punishable under sections 8/20 (b) (ii) (B) of the Narcotic Drugs & Psychotropic Substances Act lodged on 29.06.2024 by the informant, Mahesh Kumar.

3. As per the prosecution story, the informant alleged that upon checking, a black colour Pulsar motorcycle was intercepted and upon search, 13.142 kilograms of *ganja* was recovered/seized. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that they do not have criminal antecedent and have been falsely



implicated. In any case, recovery/seizure is below the commercial quantity of 20 kilograms and have remained in custody since 30.06.2024 (paragraph-1 of the petition).

5. Learned APP opposes the prayer for bail submitting that there is recovery of ganja, though, it is below the commercial quantity.

6. Taking into account the submissions put forwarded by the parties coupled with the fact that they do not have any criminal antecedent, are in custody since 30.06.2024 and the recovered/seized article is below the commercial quantity, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Exclusive Special Judge, NDPS Act, West Champaran at Bettiah, in connection with Patkhauli P.S. Case No. 86 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document to show their bona fide;

(ii) the petitioners shall appear on each and every date



before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for one year to mark their attendance;

(iv) the petitioners shall in no 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 petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

Adnan/-

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