

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76906 of 2024

Arising Out of PS. Case No.-97 Year-2024 Thana- BANGAWON District- Saharsa

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Anish Kumar Son of Pappu Singh R/O Vill.- Bariyahi Basti Ward no. 5, P.S.-
Bangaon, Dist.- Saharsa.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Chandra Mohan Jha, Advocate
For the State : Mr. Madhura Nand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-10-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Bangaon P.S. Case No. 97 of 2024 for the offences punishable under Sections 8, 20(b)(ii)A and 20(b)(ii)B of the N.D.P.S. Act, lodged on 30.07.2024 by the informant, Raushan Kumar.

3. As per the prosecution story, the police upon information apprehended this petitioner and behind his house in the bushes, there is recovery/seizure of 318 gram ‘ganja’. Further, upon his information, the house of Farida Khatoon was raided. Though her husband managed to escape, she was apprehended and there is recovery/seizure of 3 kg 40 gram ganja.

4. Learned counsel for the petitioner submits that



there is recovery of 318 gram '*ganja*', he do not have criminal antecedent and is in custody since 31.07.2024 (paragraph no.13 of the petition). Further, similar situate Farida Khatoon has been granted relief in Cr. Misc. No. 77752 of 2024.

5. Learned APP for the State opposes the prayer submitting that recovery/seizure is from this petitioner.

6. Taking into account the aforesaid facts as also that the recovery/seizure is below the commercial quantity and one of the accused person Farida Khatoon has been granted relief as stated above, he is in custody since 31.07.2024 and do not have criminal antecedent, 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 Sessions Judge cum Special Judge, Saharsa in connection with Bangaon P.S. Case No. 97 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 six months 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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