

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76957 of 2024

Arising Out of PS. Case No.-89 Year-2024 Thana- BHAGALPUR RAIL P.S. District-
Bhagalpur

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Balmiki Sharma @ Kalia Son of Bishnudeo Sharma @ Visundev Sharma
R/vill - Kulharia,P.S.- Parbatta, Distt - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Subodh Prasad, Advocate
For the Opposite Party/s : Mr.Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 30-10-2024 Heard Mr. Subodh Prasad, learned counsel for the

petitioner and Mr. Bharat Bhushan, learned APP for the State.

2. The petitioner is in judicial custody in connection
with Bhagalpur Rail P.S. Case No. 89/2024 for the offence
punishable under section 8/20(6) (II) (B) N.D.P.S. Act lodged
on 29.05.2024 by the informant, Purnedu Kumar.

3. As per the prosecution story, the informant alleged
that while on duty at Bhagalpur Railway Station, a person was
found in suspicious condition, and upon checking his
bag,11.400 kgs of *ganja* was recovered/seized which led to the
FIR and seizure.

4. Learned counsel for the petitioner submits that only
because of his criminal antecedent, the Police has created this



story for which he has already remained in custody since 30.05.2024 (para-5 of the petition).

5. Learned APP Mr. Bharat Bhushan opposes the prayer submitting that he was apprehended and from his bag recovery has been made. However, he submits that the commercial quantity is 20 kgs.

6. Considering the aforesaid submission put forward by the parties as also the fact that the recovery/seizure is below the 20 kgs, he is in custody since 30.05.2024, this Court is inclined to extend him the privilege of bail with conditions.

6. 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 Chief Judicial Magistrate, Bhagalpur, in connection with Bhagalpur Rail P.S. Case No. 89/2024 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 and 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 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 petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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