

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79196 of 2024

Arising Out of PS. Case No.-170 Year-2024 Thana- ISHAKCHAK District- Bhagalpur

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Anil Sharma son of Late Grib Sharma village- Pain PS-. Akbarnagar Dist
-Bhagalpur At Present address village- Pasi Tola Ishakchak PS- Ishakchak
Dist -Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate

For the Opposite Party/s : Mrs. Sucheta Yadav, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 18-11-2024 Heard Mr. Rajive Ranjan Singh, learned counsel for
the petitioner and Mrs. Sucheta Yadav, learned APP.

2. The petitioner is in custody in connection with
Ishakchak P.S. Case No. 170 of 2024 for the offence punishable
under sections 30(a) and 30(c) of the Bihar Prohibition and
Excise Act lodged on 24.08.2024 by the informant, Asif Akhtar.

3. As per the prosecution story, the informant alleged
that on secret information, the under-constructed room of the
petitioner was raided and there is recovery/seizure of 148 Kg
Bhang beside certain other articles. This led to the FIR.

4. Learned counsel for the petitioner submits that it
does not come under the NDPS Act even Excise Act only talks
about intoxicant, there is nothing on record regarding the ganja.



Further, his submission is that in any case, it is recovered from a house which cannot be considered exclusive possession of this petitioner, he has remained in custody since 25.08.2024 (paragraph-13 of the petition) and has no criminal antecedent.

5. Learned APP opposes the prayer for bail submitting that 148 kg *bhang* has been recovered.

6. Considering the submissions put forwarded by the parties as also the fact that it does not come under the NDPS Act, petitioner has remained in custody since 25.08.2024, have no criminal antecedent and the recovery/seizure is not from his conscious possession, in that background, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner 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 Excise Judge I, Bhagalpur, in connection with Ishakchak P.S. Case No. 170 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/her 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 one year 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)

Adnan/-

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