

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78558 of 2024

Arising Out of PS. Case No.-85 Year-2024 Thana- SAHIYARA District- Sitamarhi

Anish Sah S/o- Ganaur Sah Resident of Village- Murahadih , P.S.- Kanahauli,
Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saurav Anand, Advocate
For the State : Mr. Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 14-11-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Sahiyara P.S. Case No. 85 of 2024 for the offences punishable under Sections 414 of the Indian Penal Code and section 8(C), 21(b) and 22 of the Narcotic Drugs and Psychotropic Substances Act, lodged on 18.06.2024 by the informant, Vijay Kumar Singh.

3. As per the prosecution story, the informant alleged that upon information about movement of prohibited brown sugar from Nepal side, a motorcycle was intercepted and there is recovery/seizure of 13 gram 230 miligram of brown sugar like substance. The person driving the motorcycle (the petitioner herein) was taken into custody, this led to the F.I.R.

4. Learned counsel for the petitioner submits that



police has implicated only because the petitioner has criminal antecedent, the recover/seizure is in any case below the commercial quantity, is in custody since 19.06.2024 (paragraph no.10 of the petition).

5. Learned APP for the State opposes the prayer submitting that petitioner was driving the motorcycle when the recovery/seizure made.

6. Taking into account the submissions put forward by the parties as also the fact that it is below the commercial quantity, F.I.R. lodged, he shall be facing the trial, is in custody since 19.06.2024, 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 Sahiyara P.S. Case No. 85 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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