

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84209 of 2024

Arising Out of PS. Case No.-297 Year-2024 Thana- BELHAR District- Banka

1. Vivek Anand Son of Bijay Bhagat @ Bijay Kumar Bhagat @ Bijay Kr. Bhaga Resident of Village - Sahebganj, Police Station - Belhar, District - Banka
2. Bijay Bhagat @ Bijay Kumar Bhagat @ Bijay Kr. Bhaga Son of Late Ram Bilash Bhagat Resident of Village - Sahebganj, Police Station - Belhar, District - Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate
For the Opposite Party/s : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-12-2024 Heard the parties.

2. The petitioners are in custody in connection with Belhar P.S. Case No. 297 of 2024 for the offence punishable under Sections 8 and 20(b) (ii) (B) of the N.D.P.S Act lodged on 14.09.2024 by the informant, Aditya Kumar.

3. As per the prosecution story, the informant alleged that the Police upon information, raided the house of the petitioner no. 02 and there is recovery/seizure of 6 kg ganja in two polythene bags from his grocery shop situated in the house itself. This led to the FIR/arrest.

4. Learned counsel for the petitioners submit that the grocery shop is an open place and accessible to all, they had no



knowledge about the presence of the ganja, in any case, it is below the commercial quantity and they have absolutely no criminal antecedent.

5. Learned APP opposes the prayer for bail submitting that the recovery/seizure is from the grocery shop.

6. Considering the aforesaid submissions as also that nothing has been recovered from their conscious possession rather from the grocery shop, petitioner no. 1 is in custody since 16.09.2024 while petitioner no. 2 since 12.11.2024, have no criminal antecedent, and the seized quantity is below the commercial one, in that background, this Court is inclined to extend them 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 Sessions Judge-cum-Special (NDPS Act), Banka/Court concerned, Banka, in connection with Belhar P.S. Case No. 297 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 his/her 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 his 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)

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