

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84758 of 2024

Arising Out of PS. Case No.-251 Year-2024 Thana- BAJPATTI District- Sitamarhi

Dharmendra Kumar S/O Ram Tahal Sah Resident of Village- Raghunathpur,
Muraul Ward No.14, P.S.- Bajpatti, Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saurav Anand, Advocate
For the Opposite Party/s : Mr.Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-12-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Bajpatti P.S. Case No. 251 of 2024 for the offence punishable under Sections 8/20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act lodged on 11.09.2024 by the informant, Pankaj Kumar.

3. As per the prosecution story, the informant alleged that on secret information, the shop of the petitioner was raided and there is recovery/seizure of 4.500 kgs of ‘ganja’ behind the shop. This led to the FIR.

4. It is the case of the petitioner that he do not have criminal antecedent and the Police only to implicate, has made this story, he is in custody since 12.09.2024 and in any case, it is below the commercial quantity.



5. Learned APP opposes the prayer submitting that there is recovery/seizure of 4.500 kgs of '*ganja*' behind the shop of the petitioner.

6. Considering the aforesaid submissions put forward by the parties as also the recovery is behind the shop of the petitioner and not from his conscious possession, is in custody since 12.09.2024 having no criminal antecedent and the recovered/seized '*ganja*' is below the commercial quantity, 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. 20,000/- (Twenty thousand) with two sureties of like amount each to the satisfaction of learned Special Judge, Sitamarhi, in connection with Bajpatti P.S. Case No. 251 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 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 month for next 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)

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