

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84059 of 2024

Arising Out of PS. Case No.-199 Year-2024 Thana- PUNAURA District- Sitamarhi

Bhagwan Hathi @ Shree Bhagavan Hathee Son of Nathuni Hathi Resident of
Village - Punaura, Police Station - Punaura, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikash Kumar Jha, Adv.
For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 10-12-2024 Heard the parties.

2. The petitioner is in custody in connection with Punaura P.S. Case No. 199 of 2024 for the offence punishable under sections 8, 20(b)iiB, 21 of Narcotic Drugs and Psychotropic Substances Act, 1985 lodged on 19.09.2024 by the informant, Kavita Kumari.

3. As per the prosecution story, the informant alleged that the police in course of helping the Delhi Police Narcotic Department in connection with Delhi Khyala P.S. Case No. 522 of 2024 raided the house of the petitioner and found him throwing a bag and from it, there is recovery/seizure of 3 kg 100 gram ‘ganja’. This led to the FIR.

4. It is the case of the petitioner that he had no knowledge about the alleged Delhi Khyala P.S. Case No. 522 of 2024, the police raided and a bag outside his home has been



attributed to him, which led to the fresh case. Further, nothing has been recovered from his conscious possession. The further submission is that the petitioner intends to leave the district for three months if granted relief and will be providing the details of the stay along with the police station where he shall appear every fortnight to register his presence.

5. Learned APP opposes the prayer for bail submitting that he has criminal antecedent of the same nature.

6. Considering the submissions put forward by the parties as also the fact that the recovery is not from his conscious possession nor is above the commercial quantity, he has remained in custody since 20.09.2024 and an undertaking has been given that he will be leaving the district for three months and will provide the details of his location to the learned Trial Court at the time of execution of bail bond and upon return will be diligently appearing in the local police station, 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 Special Judge, NDPS Act, Sitamarhi, in connection with Punaura P.S. Case No. 199 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 of his place of stay for next three months every fortnight. Upon return, he shall appear before Punaura Police Station every fortnight for the 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)

Vijay Singh/-

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