

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85377 of 2024**

Arising Out of PS. Case No.-264 Year-2024 Thana- SAHEBPUR KAMAL District-
Begusarai

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Bittu Kumar, Son of Viveka Rai, Resident of Village- Raghunathpur, P.S.-
Sahebpur Kamal, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Yadav, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

2 16-12-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of anticipatory bail apprehending his arrest in connection with Sahebpur Kamal P.S. Case no. 264 of 2024 (Begusarai N.D.P.S. Case no. 41 of 2024) registered under sections 20 and 22 of the NDPS Act.

3. As per the prosecution case, on information having been received, the informant proceeded to verify the contents thereof. It is stated that on seeing police personnel, two persons escaped taking benefit of the darkness. It is further stated that on search being conducted, 27 grams of *ganja* was recovered.



4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. No incriminating article has been recovered as alleged in the F.I.R. It is further submitted that from the contents of the F.I.R. itself it would be evident that the alleged place of recovery was an incompletely constructed house as a result there were number of openings. Thus, it could not be said that the house was under the exclusive control of the petitioner and not accessible to persons from outside. The petitioner has no antecedent under the NDPS Act.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegation of alleged recovery of 27 grams of *ganja* from an incompletely constructed house and the petitioner not having any antecedent under the NDPS Act, it is directed that the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Sahebpur Kamal P.S. Case no. 264 of 2024 (Begusarai N.D.P.S. Case no. 41 of 2024) on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties



of the like amount each to the satisfaction of the learned
Additional Session Judge Ist-cum-Special Judge NDPS,
Begusarai.

(Partha Sarthy, J)

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