

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1940 of 2025

Arising Out of PS. Case No.-179 Year-2024 Thana- JIRADEI District- Siwan

Vikki Kumar Bharti @ Vikki Bharti S/O Sri Nandkishor Bharti R/O Thephan Station Tola, Thepaha Raja Ram, Zeradei, P.O- Thepaha Bazar, P.S- Jiradei, Distt.- Siwan, Bihar-80013.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashish Giri, Sr. Adv. Ms. Riya Giri, Adv. Mr. Sumit Kumar Jha, Adv.
For the State	:	Mr. Shyameshwar Dayal, APP.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 23-04-2025 Heard learned senior counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 8, 20(b) (ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3. The allegation levelled in the FIR is that one Vishal had come to the house of the petitioner and other accused persons for the purpose of purchasing *ganja* and upon such information, the police reached the house and people of the vicinity had also gathered there. In the presence of witnesses, the house of Nand Kishore Bharti was duly searched and during the search, two



persons were caught while one person managed to flee away. The names of the two arrested persons were Nand Kishore Bharti and Vishal Kumar. Upon search in the house of the said Nand Kishore Bharti, a small drum was found open from the top under a wooden stool kept in the room in the north-west corner of the house and a substance similar to *ganja* along with some cash was recovered from the same. It has further been alleged that upon inquiry, it was admitted by the said Vishal Kumar that he had gone to the house to purchase *ganja*. Upon recovery of the material, the same was seized and the weight was found to be 9 kg 160 gms. Further allegation has also been made in the FIR that Nand Kishore Bharti disclosed the name of the person who fled away as this petitioner, who was the son of the said Nand Kishore Bharti.

4. Learned senior counsel for the petitioner submits that as a matter of fact, the petitioner was not present at the place of occurrence at all and his name has unnecessarily been dragged into the present case by stating that he was the person who was trying to flee away from the place of occurrence. It is further submitted that the said Nand Kishore Bharti never made any disclosure about the petitioner trying to flee away from the place of occurrence and the same would also be evident from



the defence statement of the said accused recorded in paragraph 12 of the case diary which goes to show that he has admitted that since past three years, he has been involved in the business of sale and purchase of *ganja* and he does not make any mention of the petitioner.

5. Learned senior counsel further submits that the quantity of *ganja* which has been recovered and seized is although more than small quantity, but is less than commercial quantity. It is also to be considered that the sanctity of the seizure list also gets violated in view of the fact that despite the prosecution case discloses that a number of witnesses had gathered, the seizure list bears the signature of two persons who both belong to the police personnel.

6. Learned APP for the State opposes the prayer for anticipatory bail.

7. Considering all the above mentioned facts and circumstances of the case and particularly the facts that two persons were taken into custody in the present case who have subsequently confessed their guilt and there is no other material collected during the course of investigation to connect the petitioner to the alleged recovery and also taking into consideration the fact that the petitioner has no criminal



antecedent, I am inclined to grant the privilege of anticipatory bail to the petitioner. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned District and Sessions Judge, Siwan in connection with Jiradei P.S. Case No. 179 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023.

(Soni Shrivastava, J)

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