

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18892 of 2025

Arising Out of PS. Case No.-477 Year-2024 Thana- MIRGANJ District- Gopalganj

Brij Singh Son of Late Shivshankar Singh Resident of Village- Mahaicha,
P.S- Uchakagaon, District- Gopalganj, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indrajeet Bhushan, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 04-08-2025 Heard Mr. Indrajeet Bhushan, learned counsel for
the petitioner and Mr. Jai Narain Thakur, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Mirganj P.S. Case No. 477 of 2024, F.I.R. dated
16.10.2024 for the offences punishable under Sections 8, 20(b)
(ii)A of NDPS Act.

3. Recovery is of 438 grams of Ganja.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. It appears from the F.I.R as well
as seizure list that nothing has been recovered from the
conscious possession of the petitioner rather the recovery has
been made from the co-accused, namely, Kalawati Devi who



happens to be daughter of the petitioner and she lives in the house of the petitioner. Altogether 438 gram of Ganja was recovered from the possession of Kalawati Devi.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the recovery has been made from the house of the petitioner but fairly submits that the recovered contraband is less than the small quantity. Hence, there is no embargo under Section 37 of the N.D.P.S. Act for grant of anticipatory bail to the petitioner.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent, recovery has been made from the house of the petitioner but the said recovery has been made from the possession of co-accused person and the recovered quantity is less than the small quantity, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 the learned Principal District and Sessions Judge, Gopalganj in connection with Mirganj P.S. Case No. 477 of 2024, subject to the conditions as



laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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