

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19952 of 2025

Arising Out of PS. Case No.-774 Year-2024 Thana- HISUWA District- Nawada

Rajendra Singh S/o Late Sitaram Singh Resident of Ariyan, P.S.- Hisua,
District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar, Advocate
For the State : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 11-08-2025 Heard Mr. Jitendra Kumar, learned counsel for the
petitioner and Mr. Bhanu Pratap Singh, learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Hisua P.S. Case No. 774 of 2024, F.I.R. dated 23.12.2024 registered for the offences punishable under Sections 80(a), 20(a)(i) of the N.D.P.S. Act.

3. The case relates to recovery of 04 green Ganja plants.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. It appears from the F.I.R. that four green Ganja plants were recovered near the



house of the petitioner. Learned counsel for the petitioner submits that in fact the petitioner is not residing in the house in question and he is residing in Delhi and no green Ganja plants were recovered from the possession of the petitioner and it is not the case of the prosecution that the said green Ganja was recovered from the agricultural field of the petitioner and apart from that the recovered contraband is less than the small quantity and hence there is no embargo under Section 37 of the N.D.P.S. Act to enlarge the petitioner on bail and apart from that the petitioner is 75 years of old.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedent and the recovered contraband is small than the small quantity and apart from that the same is not recovered from the possession of the petitioner or the agricultural field of the petitioner, 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Principal Sessions Judge, Nawada in connection with Hisua P.S. Case No. 774 of



2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions :-

(1) 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.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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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