

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40454 of 2025

Arising Out of PS. Case No.-260 Year-2025 Thana- SASARAM NAGAR District- Rohtas

Satyendra Pandey @ Satyendra Kumar Pandey @ Satendar Pande @ Satendar Kumar Pandey S/o Vinay Pandey @ Vijay Pandey R/o Village/ Mohalla- Chenari-dih, P.S.- Chenari, District- Rohtas, State- Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saroj Kumar, Adv.

For the Opposite Party/s : Mr.Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 03-07-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Sasaram Town P.S. Case No. 260 of 2025 instituted for the offences under Sections 8(c), 20(B)IIB, 22(अ) of the N.D.P.S. Act.

3. As per prosecution case, the police has recovered total 9 Kg. *Ganja* from the Toto vehicle.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. The petitioner has not committed any offence as alleged in the F.I.R. He further submits that nothing incriminating has been



recovered from the conscious/physical possession of the petitioner. The petitioner is neither driver nor owner of the alleged seized Toto vehicle. The petitioner was only the traveler of the alleged Toto vehicle. Learned counsel for the petitioner has canvassed that the quantity of contraband article *Ganja* recovered from the possession of the petitioner is below the commercial quantity and, hence, Section 37 of the N.D.P.S. Act is not attracted in the present case. The petitioner has been in custody since 04.04.2025 and has one criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. There is also non-compliance of Section 103 of the B.N.S.S.

5. Learned Public Prosecutor has opposed the bail application on the ground that keeping any contraband article like that of *Ganja* in possession is offence of grave nature. The petitioner is named in the F.I.R. and has one criminal antecedent of the similar nature of offence. The offence alleged is serious in nature and, hence, the petitioner does not deserve bail.

6. Having considered the rival submissions of the learned counsel for the parties and taking into account the aforesaid seized quantity of contraband which is less than the commercial quantity, the period of custody of the petitioner, let



the petitioner be released on bail, *after framing of charge if not already framed*, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sasaram Town P.S. Case No. 260 of 2025, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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