

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43479 of 2025

Arising Out of PS. Case No.-122 Year-2024 Thana- BANGAWON District- Saharsa

Raman Yadav Son of Debu Khirhar R/O of Vill- Mahpura, Ward No.-13, P.S- Mahisi, Distt.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate

For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 16-07-2025 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Bangaon P.S. Case No. 122 of 2024 registered for the alleged offences under Sections 8, 20(b) (ii) (A) of NDPS Act.

03. As per prosecution case, police received information about two motorcycle riders carrying *Ganja*. Checking of vehicles was started and two persons riding the motorcycle started fleeing on seeing the police party. One of the persons started running away taking a bag with him and the person driving the motorcycle fled away with the motorcycle. The person with bag was apprehended after chase and he disclosed his name as co-accused Ankit Kumar and from search



of his bag, recovery of 1.8 kg of *Ganja* like substance was made apart from two Android mobile phones. The apprehended co-accused disclosed the name of the petitioner who fled away from the spot with motorcycle on seeing the police.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was not apprehended from the spot and nothing incriminating has been recovered from his person or possession. Moreover, the name of the petitioner came in the confessional statement of the co-accused which has got no legal sanctity. Seizure list has not been prepared according to Section 50 of the NDPS Act. Further, the mandatory provisions of NDPS Act as well BNSS have been given a short shrift by the police party. Even the contraband seized from the co-accused is more than the small quantity but it is much less than the commercial quantity. The petitioner is in custody since 05.03.2025 and charge-sheet has been submitted. The petitioner is having clean antecedent.

05. Learned APP for the State opposes the prayer for bail.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery has been shown from the conscious possession of the petitioner and also considering the recovery of



contraband just above the small quantity from the co-accused and also considering the period of custody of the petitioner and his clean antecedent along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge, Saharsa in connection with Bangaon P.S. Case No. 122 of 2024, subject to the conditions mentioned in Section 480(3) of BNSS and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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