

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67369 of 2025

Arising Out of PS. Case No.-400 Year-2025 Thana- SAHARSA SADAR District- Saharsa

Nagendra Singh @ Nagendra Kumar Singh S/o- Late Modi Lal Singh
Resident of Village- Suzar Bhukha Purvi Post- Patila PS-Maner, Dist- Patna
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoranjan Kumar, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 07-10-2025 1. Heard learned counsel for the petitioner and Mr.
Chandra Bhushan Prasad, learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 223 of the BNS, Sections 46 and 47 of the Jail Manual Act as well as Sections 20(B)II(A) of the NDPS Act, 1985.

3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and the informant alleges that petitioner, who was going for his duty in the jail, was searched and in course of search from his possession 440 pieces of intoxicating tablets along with 15 grams of ganja like substance was recovered and seized.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is further submitted that petitioner is the dafa in-



charge of the jail. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the date of occurrence is 27.03.2025 and the seizure list was prepared on 02.04.2025 and thereafter the instant FIR came to be instituted on 05.04.2025. It is thus submitted that this amply demonstrates that had the petitioner been involved in the occurrence in that event the seizure list would have been prepared on the same day and the FIR would have been instituted instantly but then that is not the case which casts an aspersion on the case of the prosecution.

5. Mr. Chandra Bhushan Prasad, learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioner and submits that petitioner is an employee of the jail and against him serious allegations are alleged. It is further submitted that from perusal of the FIR, it would manifest that 440 pieces of intoxicating tablets along with 15 grams of ganja like substance is alleged to have been recovered from his possession. It is fairly submitted that no doubt there is some delay but then that in itself is not a ground for granting anticipatory bail.

6. Learned counsel appearing on behalf of the petitioner rebuts the said submission of the learned A.P.P. and submits that had the FIR and the seizure list been prepared in a time bound manner perhaps a different impression about the case would have been cast but delay in preparing the seizure list and instituting the



FIR casts an aspersion on the case of the prosecution. It is further submitted that petitioner is a government employee and will not abscond rather will cooperate in the investigation to prove his innocence.

7. Considering the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.50,000/- (Rupees Fifty Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/Successor Court in connection with Saharsa P.S. Case No. 400 of 2025, subject to the conditions as laid down under Section 482(2) of the BNSS.

8. However, it is made clear that if charge-sheet is submitted connecting the petitioner with the offence in that event the present anticipatory bail order shall lose its effect.

(Satyavrat Verma, J)

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