

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88301 of 2024

Arising Out of PS. Case No.-303 Year-2023 Thana- MIRGANJ District- Gopalganj

Sandeep Sah @ Sandeep Kumar S/o Iswar Sah @ Iswer Sah @ Ishwar Sah @
Benga Sah R/o Village- Madho Matihani, P.S- Mirganj, District - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 24-01-2025

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection N.D.P.S. Trial no. 21 of 2024, arising out of Mirganj P.S. Case no. 303 of 2023 registered under sections 399, 402 and 414 of the Indian Penal Code and sections 25(1-B)(a), 26 and 35 of the Arms Act and sections 20(b)(ii)(C), 25 and 29 of the N.D.P.S. Act.

3. As per the prosecution case, on a raid being conducted while five accused persons were arrested at the spot, the petitioner managed to escape. On search of the accused who were arrested at the spot, it is stated that 400 grams of *Charas* was recovered.

4. Learned counsel for the petitioner submits that neither the petitioner was arrested at the spot nor any



incriminating article recovered from his possession. The only material against him is the statement of co-accused made before police. The petitioner has no criminal antecedent and is in custody since 5.1.2024. He undertakes to cooperate in the case/trial.

5. The application for bail is opposed by learned APP for the State.

6. A report was called for from the learned trial Court. As per the antecedent report received, the petitioner has no criminal antecedent.

7. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner in the FIR, no incriminating article having been recovered from his possession, the petitioner not having any criminal antecedent and the petitioner having remained in custody for more than a year since 5.1.2024, the petitioner is directed to be enlarged on bail in connection with N.D.P.S. Trial no. 21 of 2024 (arising out of Mirganj P.S. Case no. 303 of 2023), on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I, Gopalganj on the following conditions:



(I) The petitioner shall remain properly represented in the trial court on each date of the case/trial and shall cooperate in the trial.

(II) In case, the petitioner is not properly represented or does not cooperate and the learned trial Court is of the opinion that the trial is being delayed due to non-cooperation on part of the petitioner, the learned trial Court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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