

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89819 of 2024

Arising Out of PS. Case No.-113 Year-2024 Thana- KURSAKANTA District- Araria

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Amit Sagar S/o Deo Kumar Jha @ Dev Jha R/o Vill - Khamgara, P.S. -
Tarabari, P.O.- Jamua, Distt.- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raj Krishna Jha, Advocate

For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-02-2025 Heard Mr.Raj Krishna Jha, learned counsel for the

petitioner and Mr.Bhanu Pratap Singh, learned A.P.P. for the

State.

2. The petitioner seeks bail, who is in custody since
23.09.2024, in connection with Kursakanta P.S.Case
No.113/2024, FIR dated 23.09.2024, registered for the offence
under Sections 8(c), 21(b) of N.D.P.S.Act, 1985.

3. Recovery is of three mobiles, one bike and 90
Grams of Smac.

4. Learned counsel appearing for the petitioner
submits that the petitioner has clean antecedent. He has
falsely been implicated in the present case. From a bare
perusal of the FIR it appears that three mobiles, one bike and



90 Grams of Smac was recovered from possession of the petitioner and other co-accused persons. Learned counsel for the petitioner submits that all the recovery has been made from joint possession of the petitioner and other co-accused persons and the recovered contraband is less than the commercial quantity. Hence, there is no embargo under Section 37 of the N.D.P.S. Act for grant of bail to the petitioner. Further submits that it appears from the seizure list itself that the recovered contraband is not recovered from possession of the petitioner and it has come during investigation that the motorcycle in question belongs to one Chitranjan Jha and petitioner has no concern at all with the alleged recovery of contraband or the motorcycle in question and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 23.09.2024.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the recovery has been made from joint possession of the petitioner and other co-accused persons and apart from that, the recovered contraband is less than the commercial quantity.



6. Considering the aforesaid facts, petitioner has clean antecedent and the recovered contraband is less than the commercial quantity, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District and Sessions Judge, Araria in connection with Kursakanta P.S.Case No.113/2024, with the following conditions:-

(I) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

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

(III) 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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