

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.18207 of 2020**

Arising Out of PS. Case No.-1408 Year-2019 Thana- AHIYAPUR District- Muzaffarpur

Santosh Kumar S/O Nand Kishor Sahani R/o Village- Basudev Vishanpur,  
P.S.- Runni Saidpur, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

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

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

4      23-06-2020      The matter has been listed today for consideration  
through Video Conferencing.

Learned counsel representing the petitioner and the State  
are appearing and making submissions from their residence. The  
Court Master and Secretary are also part of this virtual court  
proceedings from their homes, all with the aid of audio visual  
technology.

Heard learned counsel for the petitioner and the learned  
APP for the State.

The petitioner seeks bail in Ahiyapur P. S. Case No. 1408  
of 2019 instituted for the offence under Section(s) 20/22 of the  
N.D.P.S. Act.

The prosecution case, in short, is that 100 grams of  
'Charas' is recovered.



Petitioner's counsel submits that the petitioner is in custody since 29.11.2019 and has got no criminal antecedents . Charge sheet has been submitted in this case. There is no allegation of tampering of witnesses against the petitioner. It is alleged that 100 grams of 'Charas' is recovered. Same is less than commercial quantity. Hence, Section 35 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Sections 42 and 50 of N.D.P.S. Act. Other co-accused Sanjay Kumar Rai, similarly situated as the petitioner has been allowed bail in Cr. Misc. no. 16777 of 2020.

Learned counsel for the State has opposed the prayer for bail by submitting that the petitioner is named in the F.I.R.

Considering the aforesaid, 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 the Sessions Judge-cum Special Judge, Muzaffarpur, in connection with Ahiyapur P. S. Case No. 1408 of 2019, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the



petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

**(Madhuresh Prasad, J)**

shyambihari/-

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