

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.22192 of 2020**

Arising Out of PS. Case No.-143 Year-2019 Thana- SONBERSA District- Sitamarhi

MAHESH MAHTO @ MAHESH MAHATO Son of Late Sahdev Mahto
Resident of Village - Dostiya, P.S.- Sonbarsa, District - Sitamarhi.

... .. Petitioner

Versus

1. THE STATE OF BIHAR
2. THE UNION OF INDIA.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Surendra Kishore Thakur, Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 21-08-2020 Learned counsel for the petitioner undertakes to remove the defects, as pointed out by office, within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Sonbarsa P.S. Case No. 143 of 2019 for the offence under Section 8/20(b)(ii)(B) of the NDPS Act.

Learned counsel for the petitioner submits that the petitioner is a permanent resident of the border area and while he was coming from the other side of the border after attending a social function he had a trifling with the patrolling party present on the border whereafter because of that scuffle the



patrolling party has got the petitioner involved in a false and flimsy case. It is however submitted that in any case the quantity of Ganja allegedly recovered from the petitioner is below the commercial quantity and the petitioner has already remained in custody for more than one year. It is submitted that further incarceration of the petitioner is not likely to come in aid of investigation or help the prosecution.

Learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioner but considering the facts and circumstances of the case, the submission that the alleged quantity of Ganja is much below the commercial quantity and that the petitioner is in custody since 06.07.2019 and further incarceration of the petitioner is not likely to come in aid of investigation or help the prosecution, let the petitioner above-named be released on bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Sitamarhi, in connection with Sonbarsa P.S. Case No. 143/2019, subject to the conditions as laid down under Section 437(3) of the Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,



(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic during the lockdown period. The authorities concerned shall take appropriate steps to ensure such observance prior to and after release of the petitioner.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

