

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.32617 of 2020**

Arising Out of PS. Case No.-277 Year-2020 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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MANOJ TARHA @ MANOJ TURHA @ MANOJ SAH Son of Somnath Sah
Resident of Village - Chaturbhuj Sthan, P.S.- Mithanpura, Distt.- Muzaffarpur.
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar,Advocate
For the Opposite Party/s : Mr.Shyam Kumar Singh, APP

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

2 09-12-2020 Learned counsel for the petitioner undertakes to remove

all the defects pointed out by the Stamp Reporter within four weeks

after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Shyam
Kumar Singh, learned APP for the State.

The petitioner in the present case is seeking regular bail in
connection with N.D.P.S. Case No. 27 of 2020 arising out of Town
P.S. Case No. 277 of 2020 registered for the offences punishable
under Sections 8 and 20 of the N.D.P.S. Act.

Learned counsel for the petitioner submits that in the
present case the name of the petitioner has transpired in the
confessional statement of the apprehended accused Md. Afroz @
Gabbar. As per prosecution report from possession of Md. Afroz @
Gabbar 135 gram of smack powder was recovered. Learned counsel
further submits that besides the fact that the quantity was much



below the commercial quantity, there were other shortcomings in the matter of arrest and search and seizure of said Gabbar. He has already been granted privilege of bail by a learned Co-ordinate Bench of this Court in Cri. Misc. No. 32783 of 2020 vide order 07.12.2020. It is also submitted that this petitioner has otherwise no criminal antecedent.

Learned APP for the State has though opposed the prayer for regular bail of the petitioner but considering the facts and circumstances of the case wherein the accused from whose possession the said smack powder was allegedly recovered has already been granted bail and this petitioner has otherwise no criminal antecedent, let the petitioner above-named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each, to the satisfaction of learned Sessions Judge/Special Judge, Muzaffarpur in connection with N.D.P.S. Case No. 27 of 2020 arising out of Town P.S. Case No. 277 of 2020, 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.

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.

The application is allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/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'.

