

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22519 of 2021

Arising Out of PS. Case No.-471 Year-2020 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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BAMBAM THAKUR SON OF RUPESH THAKUR R/O VILLAGE-
PATAHI HARI, P.S.- SADAR MUZAFFARPUR, DISTRICT-
MUZAFFARPUR.

... .. Petitioner.

Versus

THE STATE OF BIHAR

... .. Opposite Party.

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Appearance :

For the Petitioner	:	Mr. Sanjay Kumar Jha, Advocate. Mr. Anant Kumar Bhaskar, Advocate.
For the State	:	Mr. Md. Mushtaque Alam, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

3 06-12-2021 The applicant/accused in Crime No.471 of 2020 registered with Police Station-Muzaffarpur Sadar for the offences punishable under Section 414 read with Section 34 of the Indian Penal Code as well as under Sections 20 and 22 of the N.D.P.S. Act by this application is seeking his release on bail during the pendency of the trial.

It is reported that charge-sheet has already been filed and the applicant behind the Bars from 27.08.2020.

Learned counsel appearing for the applicant/ accused submits that the co-accused Raushan Kumar alias Ravi Ranjan in the instant case is already released on bail by a Coordinate Bench of this Court vide order dated 13.04.2021 passed in



Criminal Misc. No.5114 of 2021. It is further argued that the charge-sheet is without any report from the Forensic Science Laboratory. Therefore, the applicant is entitled for bail.

Learned Prosecutor opposed the application by contending that Charas weighing 250 grams came to be seized from the applicant and that is the quantity more than small quantity

I have considered the submissions so advanced and also perused the materials placed before me.

In the cases under N.D.P.S. Act bail can only be granted after hearing the learned Prosecutor as well on coming to the conclusion that the material before the Court demonstrates that there are reasonable ground for believing that the applicant is not the guilty of the subject offence and he will not commit the similar nature of offence.

Learned counsel appearing for the applicant submits that so far as the N.D.P.S. Act is concerned, the applicant is not having any criminal antecedent.

I have perused the F.I.R.

The secret information was in respect of the possession of the contraband. In pursuant to that secret information, the applicant along with the co-accused came to be apprehended. The F.I.R. shows that there is no compliance of mandatory



provisions of Section 50 of the N.D.P.S. Act. The co-accused Raushan Kumar alias Ravi Ranjan on the same set of facts is already released on bail by a Coordinate Bench of this Court. Therefore, the order:

- (i). The application is allowed.
- (ii). The applicant/accused in Crime No.471 of 2020 registered with Police Station-Muzaffarpur Sadar for the offences punishable under Section 414 read with Section 34 of the Indian Penal Code as well as under Sections 20 and 22 of the N.D.P.S. Act be released on bail on executing P.R. bond of Rs.10000/-(Rupees Ten Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions:
 - (I). The applicant should not extend any threat, promise or inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.
 - (II). The applicant should cooperate the trial in expeditious disposal of the trial against him.
 - (III). The applicant should not repeat commission of



similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

(IV). The applicant should attend the court on the date fixed for trial by the learned Special Judge on each and every date and his absence without any reasonable reason on two consecutive dates shall entail the trial court to forfeit his bail bond and to take him into custody.

The applicant to remove all office objections forthwith and the Registry to issue bail-writ as per this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

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