

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22189 of 2021

Arising Out of PS. Case No.-312 Year-2020 Thana- SURSAND District- Sitamarhi

Rajendra Mahto Son of Ramlal Mahto Resident of Village- Fatehpur Ward
No.13, P.S.- Raghobpur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 07-10-2021

Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 8, 20(b) (ii) (c) and 22(b) of the N.D.P.S. Act.

As per the prosecution case, 7 kgs. of *ganja* was recovered from the possession of the petitioner while other recoveries took place from the coaccused.

It is submitted by learned counsel for the petitioner that he has been falsely implicated in the case. No incriminating article has been recovered from his possession. The petitioner has no criminal antecedent and is in custody since 7.10.2020. It is further submitted that the petitioner shall cooperate in the proceedings in the learned Court below.

The prayer for bail is opposed by learned A.P.P. for



the State who submits that from the order rejecting the application for bail of the petitioner it would transpire that the case is fixed for hearing on framing of charge.

Having heard learned counsel for the parties and taking into consideration the petitioner not having any criminal antecedent under the NDPS Act together with the petitioner having remained in custody for 1 year, the Court directs the petitioner to be enlarged on bail in connection with Sursand P.S. Case no. 312 of 2020 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge-cum-Special Judge, Sitamarhi.

It is directed that the petitioner shall cooperate in the trial in the learned Court below and shall remain physically present in Court on each date of the case. In case learned trial Court is of the opinion that the trial is being delayed due to noncooperation on part of the petitioner, learned trial Court will be at liberty to cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

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(Partha Sarthy, J)

