

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.23344 of 2021**

Arising Out of PS. Case No.-426 Year-2020 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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ABHISHEK KUMAR SON OF PREM PATEL @ PREMNATH PATEL R/O
VILLAGE- JAGARNATHPUR NAGAWA, P.S.- PARU, DISTRICT-
MUZAFFARPUR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manindra Kishore Singh, Adv.
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

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

2 26-08-2021 Learned counsel for the petitioner undertakes to remove

all 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 Sadar P.S. Case No.426/2020 registered for the

offences punishable under Sections 420, 467, 468 and 471/34 of

the Indian Penal Code and Section 20/22 of the N.D.P.S. Act. He is

in custody since 04.08.2020.

Learned counsel for the petitioner submits that on

perusal of the FIR it would appear that the petitioner was arrested

along with five other co-accused. From the possession of the

petitioner, it is alleged that 150 gm of material like Charas powder

and a mobile phone were recovered.

Learned counsel submits that the quantity allegedly recovered from the possession of the petitioner is less than the commercial quantity, hence, rigours of Section 37 of the N.D.P.S. Act, 1985 would not be attracted.

It is further submitted that the petitioner is in custody for more than a year and he is on bail in all the four cases stated in paragraph '3'.

Learned APP for the State has though opposed the prayer for bail of the petitioner but it is not disputed that in the nature of the quantity being less than the commercial quantity the rigours of Section 37 of the N.D.P.S. Act, 1985 would not be attracted.

Considering the facts and circumstances of the case and the submissions noted hereinabove particularly that the quantity allegedly recovered is not of the commercial quantity and the petitioner has remained in jail for over one year, this Court directs that 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 1st Additional Sessions Judge, Muzaffarpur in connection with Sadar P.S. Case No.426/2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

Considering that the petitioner is getting involved in commission of offence while enjoying the privilege of bail, this Court directs that till conclusion of the trial in the present case the petitioner shall mark his attendance before the S.H.O. of Paru police station once in every two months, he will furnish complete address and mobile number with the S.H.O. and will keep him acquainted with his whereabouts even if he is outside the jurisdiction of the police station. Breach of this condition shall be reported by the S.H.O. to the learned court below for consequential action.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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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'.