

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31736 of 2021

Arising Out of PS. Case No.-915 Year-2020 Thana- AHYAPUR District- Muzaffarpur

1. MD SADDAM Son of Md. Naim Resident of Village- Sipahpur, P.S.- Ahiyapur, District- Muzaffarpur.
2. MD MAHTAB Son of Late Md. Javed Resident of Village- Sipahpur, P.S.- Ahiyapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur

For the Opposite Party/s : Mr. Arvind Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 26-08-2021 Heard learned counsel for the petitioners and the State.

Petitioners seek regular bail in a case registered for the offence punishable under Section 414/34 of the Indian Penal Code and u/s 20/22 of N.D.P.S. Act.

As per the prosecution case, the informant got information about fleeing away of two miscreants on Pulsar motorbike by snatching mobile phone and when the informant reached the place of occurrence he saw that two miscreants were caught by a mob. On search, 200 gram of Ganja was recovered from petitioner No.1 and 300 Ganja was recovered from petitioner No.2. Two mobile phones were also recovered from



the possession of the petitioners.

Learned counsel appearing for the petitioners submits that petitioners are innocent and have falsely been implicated in the case. No incriminating article has been recovered from the conscious possession of the petitioners. The seized motor cycle is not stolen one and the same is registered in the name of mother of petitioner No.1 and recovered Ganja is less than small quantity and, therefore, rigours of Section 37 of the N.D.P.S. Act is not attracted. Petitioners are in custody since 04.12.2020 and charge sheet has already been submitted in this case.

Learned counsel appearing for the State opposes the prayer for bail.

Considering the facts of the case and the period of custody of the petitioner, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sessions Judge-cum- Special Judge, Muzaffarpur in connection with Ahiyapur PS case No. 915/2020 on the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and



on his/ her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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