

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 38424 of 2021**

Arising Out of PS. Case No.-572 Year-2020 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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BRIJ KISHORE MAHTO @ BRIJESH MAHTO @ VIRAJ MAHTO Son of
Umesh Mahto Resident of Village- Ramchandrapur, P.S.- Devariya Kothi,
District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Ganesh Sharma, Advocate

For the Opposite Party/s : Mr Mukeshwar Dayal, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 14-12-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for brevity, APP) appearing for
the State of Bihar.

The petitioner seeks bail in Muzaffarpur Sadar Police
Station (for brevity, *PS*) Case No 572 of 2020 instituted for the
offence punishable under Section 414 of Indian Penal Code and
Sections 20/22 of Narcotic Drugs and Psychotropic Substances
Act (for brevity, *NDPS Act*).

There is alleged recovery of 500 Grams of *Charas*
from the bag which the petitioner was carrying.

Learned counsel submits that it is a case of false
implication. The seizure list witnesses are members of the



seizing party. There is no compliance with Section 50 of NDPS Act and recovery in question is much less than the commercial quantity. The petitioner is on bail in the two cases pending against him which have been instituted long back, as per details contained in paragraph 3 of the application. He is in custody in this case since 04.10.2020.

Learned APP has opposed the prayer for bail.

Having considered the rival submissions, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge IV, Muzaffarpur in NDPS Special Case No 90 of 2020 arising out of Muzaffarpur Sadar PS Case No 572 of 2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.



(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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