

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.29170 of 2020**

Arising Out of PS. Case No.-173 Year-2020 Thana- VAISHALI District- Vaishali

ABODH MAHTO Son of Sri Dashai Mahto Resident of Village - Khalilpur,  
P.S.- Karja, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Bela Singh, Advocate

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

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

4      12-01-2021                      Heard learned counsel for the petitioner and Mr. Amitesh  
Kumar, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Vaishali (Belsar O.P.) P.S. Case No. 173 of 2020 registered for the offences punishable under Sections 399, 402, 414 of the Indian Penal Code and Sections 20, 22, 24, 27(A) of Narcotic Drugs & Psychotropic Substances Act.

Learned counsel for the petitioner submits that the Police on secret information raided the given place and arrested four persons including the petitioner. The Police recovered 3.13 kilogram of Ganja from possession of the petitioner.

Learned counsel for the petitioner submits that no arms has been recovered from possession of the petitioner and the assembly was not for purpose of commission of any crime. The police has taken signature of the petitioner on blank paper and



converted the same into seizure list. The petitioner is in custody since 02.06.2020 and the alleged recovered Ganja is much less than the commercial quantity.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein 3.13 Kilogram of Ganja has been recovered from possession of the petitioner, he has remained in jail since 02.06.2020, investigation against him his complete and there is no chance of conclusion of trial in near future as also there is no submission on behalf of the State that his release at this stage is likely to result in tampering with the evidence or interfering with the course of trial, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Ist Additional Sessions Judge-cum-Special judge, Vaishali in connection with Vaishali (Belsar O.P.) P.S. Case No. 173 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make



any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

**(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'.

