

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.858 of 2021

Arising Out of PS. Case No.-176 Year-2020 Thana- MOKAMAH District- Patna

1. MUKHTAR ALAM SON OF MD. MAHBOOB ALAM RESIDENT OF MUHALLA-NALBAND TOLI, WARD NO 26 POLICE STATION - BUXAR MODEL DISTT- BUXAR
2. AMRENDRA KUMAR SON OF LATE RAVINDRA PRASAD RESIDENT OF VILLAGE BUDHANPURWA, WARD NO 16 , POLICE STATION- BUXAR MODEL DISTT- BUXAR

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Shankar Kumar, Advocate
For the Opposite Party/s : Ms. Nirmala Kumari, APP.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 18-03-2021 Heard learned Counsel for the petitioners and the learned Counsel for the State.

This Court would expect that the petitioners' Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

The petitioners seek bail in Special Case No. 131 of 2020, arising out of Mokama P.S. Case No. 176 of 2020, registered for the offence under Sections 20(b)(ii)(c), 22(c) of the N.D.P.S. Act.

On a secret information, a raid was conducted in the rented house of co-accused Govind Kumar and 10 Kg. of Ganja was recovered and these petitioners along with other co-accused persons were arrested on the spot.

It is submitted on behalf of petitioners that nothing has been recovered from conscious possession of the petitioner. It is further submitted that in the FIR itself, it has been alleged that Ganja has been recovered from the rented house of co-accused Govind



Kumar and petitioners were apprehended simply because they were one of the renter in the house. The recovered Ganja is below the commercial quantity. Petitioner No. 1 has one antecedent under Section 498A IPC whereas petitioner No. 2 has got clean antecedent and they are in custody since 02.09.2020. Charge-sheet has already been submitted. Co-accused Rahul Kumar, similarly situated as the petitioners, has been allowed bail in Cr. Misc. No. 1874 of 2021.

Considering the material available on record as well as the fact that recovery has been made from the rented house of co-accused the bail application of petitioners is allowed.

Let the above named petitioners be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned District & Sessions Judge, Patna in connection with Special Case No. 131 of 2020, arising out of Mokama P.S. Case No. 176 of 2020, on the following conditions:

“(1) Petitioners shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his 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.”

(Madhuresh Prasad, J)

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