

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8221 of 2021

Arising Out of PS. Case No.-321 Year-2020 Thana- GAIGHAT District- Muzaffarpur

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Pintu Kumar aged about 23 years (M) Son of Sri Shatrughan Rai @
Shatrudhan Rai Resident of Village - Kalyani, P.S. - Gaighat, District -
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amit Kumar Anand

For the Opposite Party/s : Mr.A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 26-05-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Gaighat P.S. Case No. 321 of 2020, registered for the offence under Sections 414/34 of the Indian Penal Code and Sections 20 & 22 of NDPS Act.

As per the prosecution case, on a secret information, the police party reached near Benibad More Chauk at N.H.57 and apprehended four persons, who were on two motorcycles, whereas, one person fled away and thereafter, on search, 500 gm. of *Charas* was recovered from a bag, which was hanging on the handle of one of the motorcycle.

It is submitted on behalf of petitioner that nothing has been recovered from conscious possession of the petitioner,



rather it was found from the motorcycle. It is further submitted that since the quantity of *Charas* is much below the commercial quantity, the rigours of Section 37 of the N.D.P.S. Act would not be attracted. Mandatory provision with regard to search and seizure has not been complied with. Petitioner claims clean antecedent and he is in custody since 07.10.2020. It is further submitted that similarly situated co-accused Sudarshan Kumar has already been granted bail by this Court, vide order dated 04.05.2021 passed in Cr. Misc. No. 10449 of 2021.

Learned A.P.P. opposed the bail application and submitted that in this case, there is recovery of *Charas* from the motorcycle.

However, considering the aforesaid facts & circumstances as well as submissions made on behalf of the parties coupled with the fact that petitioner has got clean antecedent, the bail application of petitioner is allowed. Let the above named petitioner 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 learned Sessions Judge-cum-Special Judge, Muzaffarpur in connection with Gaighat P.S. Case No. 321 of 2020, on the following conditions:

“(1) Petitioner 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 petitioner tampers 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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