

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 7863 of 2021**

Arising Out of PS. Case No.-147 Year-2020 Thana- AHYAPUR District- Muzaffarpur

BITTU KUMAR Son of Garib Nath Sahani Resident of Village- Jhapanhan
Dih, P.S.- Ahiyapur, Distt- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Arvind Kumar, Advocate

For the Opposite Party/s : Mr Uday Chand Prasad, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

4 09-08-2021 This case has been taken up for consideration today
through Video Conferencing.

Heard learned counsel for the petitioner and the
learned Additional Public Prosecutor (for brevity, *APP*)
appearing for the State of Bihar.

The petitioner seeks bail in Narcotic Drugs and
Psychotropic Substances (for brevity, *NDPS*) Case No 8 of 2020
arising out of Ahiyapur Police Station (for brevity, *PS*) Case No
147 of 2020 dated 07.02.2020 instituted for the offence
punishable under Sections 414/34 of Indian Penal Code and
Sections 20/22 of NDPS Act.

One Indal Paswan has been apprehended. From his
possession, there is recovery of 1 kilogram of Ganja. It is stated



in the First Information Report that certain persons, who were sitting on the car, have fled away. Co-accused Indal Paswan has disclosed the name of two persons fleeing away from the car, one of which is allegedly the petitioner.

Learned counsel for the petitioner submits that on basis of such statement of co-accused, having no evidentiary value, the petitioner has been implicated in this case. As per prosecution case also, there is no recovery of any contraband from the petitioner's possession. Petitioner's implication is based on his criminal antecedents. Submission is that, under such circumstances, the petitioner is in custody since 01.05.2020. Co-accused Indal Paswan, who has stated the petitioner's name, has been allowed bail by this Court in Cr Misc No 13525 of 2021.

Learned APP has opposed the prayer for bail.

Considering the aforesaid, 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 VIII, Muzaffarpur in connection with NDPS Case No 8 of 2020 arising out of Ahiyapur PS Case No 147 of 2020 dated 07.02.2020 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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