

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85329 of 2019

Arising Out of PS. Case No.-15 Year-2018 Thana- BACHHWARA District- Begusarai

ANIL KUMAR @ ANIL KUMAR MAHTO Son of Ram Nath Mahto
Resident of Village-Lakhanpur, Police Station-Mohiuddin Nagar, District-
Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Zeyaul Hoda, Adv

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

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

8 10-02-2021 Heard learned counsel for the parties.

Earlier the bail of the petitioner was rejected vide order dated 28.08.2018 passed in Criminal Miscellaneous No. 39206 of 2018 with a direction to the trial court to expedite the trial and conclude the same within a period of one year from the date of receipt/production of a copy of the order.

Petitioner seeks bail in a case registered for the offence punishable under Sections 8/20(C)/25 of the NDPS Act.

Allegation is of recovery of 1126 Kg of Ganja from concealed cabin located behind the seat of accused Driver Sukesh Kumar. In FIR, statement of accused driver Sukesh Kumar recorded has been referred that accused petitioner boarded truck near zero mile and was liner. He further stated



that contraband article was being carried from Agartala to Samastipur. He has disclosed name of persons involved in unlawful activity but has not named petitioner.

Learned counsel for the petitioner submits that petitioner took lift from the truck while he was going to his Sasural to see his ailing wife as he did not get any public transport and this fact has been revealed in the supervision report of Dy. S.P. He had no knowledge of Ganja being kept in the concealed cabin. No incriminating material has been recovered from the possession of the petitioner. He has no criminal antecedent except one instituted under IPC as disclosed in para 3 of the petition.

Considering the aforesaid facts and circumstances of the case and **period of custody**, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with **Bachhwara P.S. Case No. 15 of 2018 (NDPS Case No. 03 of 2018)**, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the



court and shall remain physically present as directed by the Court and his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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