

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5566 of 2022

Arising Out of PS. Case No.-690 Year-2021 Thana- AHYAPUR District- Muzaffarpur

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Ravi Mahto S/O Ram Prasad Mahto R/O Village - Teen Pahar, P.S. -
Rajmahal, District - Sahebganj (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal (Sr. Adv.)
	:	Mr. Arvind Kumar
	:	Mr. Raju Kumar
	:	Mr. Kumar Rajdeep
For the Opposite Party/s :	:	Mr. Syed Ehteshamuddin

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

5 13-12-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with

N.D.P.S. Case no. 146 of 2021, arising out of Ahiyapur P.S.

Case No. 690 of 2021 registered for the offences punishable

under Sections 8 (c)/ 21(b) of N.D.P.S. Act.

As per allegation, 55 sachet of smacks, weighing

about 26 gm, has been recovered from the pocket of

petitioner.

The learned counsel for the petitioner submits that

the petitioner is innocent and has falsely been implicated in



this case. He further submits that 26 gm of contraband which is recovered from the accused-petitioner, is above the small quantity, as per the schedule, but much below the commercial quantity.

The petitioner has been languishing in jail since 10.10.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has no criminal antecedents.

However, the learned APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, particularly the quantity of alleged contraband as well as the period of custody, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Additional Sessions Judge-V, Muzaffarpur in connection with N.D.P.S.



Case no. 146 of 2021, arising out of Ahiyapur P.S. Case No. 690 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner 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.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court



below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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