

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7216 of 2022

Arising Out of PS. Case No.-162 Year-2021 Thana- MOUZAHDIPUR District- Bhagalpur

BIBEKANAND JHA SON OF NITYANAND JHA RESIDENT OF
VILLAGE- AMBE SALEPUR, P.S. HABIBPUR, DISTRICT- BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 29-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Mojahidpur (Babarganj) P.S. Case No. 162 of 2021 registered
for the offence under Sections 379 and 411 of the Indian Penal
Code and Section 20 and 22 of the NDPS Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 25.06.2021.

The allegation against the petitioner is to do some
mischief with motorcycle of the informant and to have in
possession of 12 grams of illicit Brown sugar.

Learned senior counsel appearing on behalf of the



petitioner submitted that from bare perusal of FIR, it has been simply gathered that allegation of theft is not made out against the petitioner. It has further been submitted that alleged five pockets of brown sugar was recovered from the petitioner on 24.06.2021 and its quantity was ascertained only after 4 days of the seizure, which, itself suggests non-compliance of mandatory provision of Act regarding search and seizure. It has further been submitted that recovered quantity is less than commercial quantity and as such the present case is not within the ambit of Section 37 of the NDPS Act. It has further been submitted that without obtaining forensic report of the alleged recovered powder, charge-sheet has been submitted in the present case.

Learned APP appearing on behalf of the State, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as charge-sheet has been submitted without obtaining the forensic report and the petitioner is man of clean antecedent coupled with the fact that alleged contraband i.e. brown sugar is less than commercial quantity, let the petitioner, above named, are directed to be released on bail in connection with Mojahidpur (Babarganj) P.S. Case No. 162 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with



two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge, 10th, Bagalpur, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be Kripa Kant Jha, who is the brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S. Sen/-

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