

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8620 of 2022

Arising Out of PS. Case No.-181 Year-2020 Thana- KASBA District- Purnia

Govind Kumar Mahto @ Govind @ Kalua Son Of Late Ragu Kumar Mahto
R/O Village- Barsoni, P.S.- Dagrauwa, District- Purnea

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar Agrawal, Adv
For the Opposite Party/s : Mr.Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 14-07-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offence punishable under Sections 8,21, 22(B) of N.D.P.S.Act.

Altogether recovery is of 480 Grams of brown Sugar.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that as per the notification issued under the NDPS Act, 1985, the commercial quantity of brown sugar (heroin) has been defined to be 250 grams, thus, it is apparent that the quantity of brown



sugar/heroin recovered from the Car of the petitioner is less than the commercial quantity, hence, there is no embargo under Section 37 of the N.D.P.S. Act. He further submits that the charge has already been framed against the petitioner. He further submits that similarly situated co-accused, namely, Binod Kumar mali @ Vinod Mali @ Vinod Kumar Mali has already been granted bail by a co-ordinate Bench of this Court vide order dated 09.12.2021 passed in Cr. Misc. No. 29658 of 2021 and another co-accused namely, Kali Charan Sah has also been granted bail vide order dated 29.01.2022 passed in Cr. Misc. No.29574 of 2021 by this Hon'ble Court and the petitioner is in custody since 25.12.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with with Kasba P.S. Case No. 181 of 2020 giving rise to Special Case No. 30 of 2020, with the following conditions:-

(1) 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 on his/her absence on two consecutive dates without sufficient reason, his/her 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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