

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12845 of 2022

Arising Out of PS. Case No.-3 Year-2022 Thana- BACHHWARA RAIL P.S. District-
Begusarai

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Dilip Mahto S/o Late Amresh Mahto Resident of Village - Rudauli, Ward No.
2, P.S. - Bachwara, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Surendra Prasad Singh, Advocate
For the Opposite Party/s : Mr.Umanath Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 19-11-2022 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 Rail

Bachwara P.S. Case No. 03 of 2022 registered for the offence

under Section 21 of the N.D.P.S. Act and Section 141 of the

Railway Act.

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

custody since 08.01.2022.

The allegation against the petitioner is to have in

possession of 53 tablets of Alprax, one piece blade, cash of Rs.

700/-, one Intel company mobile phone, one screw and one



plyer. In the background of allegations, petitioner along with co-accused, Rajesh Kumar Yadav, used to mix the aforesaid tablets in tea/cold drink of passengers to make them unconscious/senseless for committing theft of their articles.

Learned counsel appearing on behalf of the petitioner submitted that the entire accusation/implication is based upon suspicion. It is submitted that petitioner has no concerned with alleged '*Nasha Khurani Giroh*'. It is further submitted that alleged medicine was for the personal use which was manufactured by reputed pharmaceutical company, where one of the ingredient is permitted constituent though it is under the category of prohibited drugs. It is also submitted that no aggrieved persons came forward to lodge complaint against this petitioner that at any point of time alleged drugs was administered to them for alleged purpose of theft of their articles. It is also pointed out that as petitioner involved in nine (9) more criminal cases, where he is on bail, implicated in present case also. While concluding the argument, it is submitted that investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.



Considering the facts and circumstances as mentioned above, as the accusation is based upon suspicion, where no private complainant came forward against this petitioner, where he is in custody since 08.01.2022 coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Rail Bachwara P.S. Case No. 03 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge I/C, Begusarai/concerned Court, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner, if the matter shall be reported by the prosecution.

(ii) 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.



(iii) That one of the bailors shall
be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

R.S.Sen/-

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