

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15065 of 2022

Arising Out of PS. Case No.-156 Year-2021 Thana- BETTIAH CITY District- West
Champaran

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JITENDRA MAHTO @ KHEDARU MAHTO, S/o- Late Bishun Mahto, R.o
Village – Naurangabag, Ward No. 33 (Korhiyapatti), P.S- Bettiah Town,
District – West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate.

Mr. Abhishek Kumar, Advocate.

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-09-2022 Learned counsel for the petitioner shall remove the
defect(s) within four weeks from today.

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

The petitioner in the present case is seeking regular
bail in connection with Bettiah Town P.S. Case No. 156 of 2021
dated 05.03.2021 registered under sections 21(b)/29 of the
Narcotic Drugs and Psychotropic Substances Act, 1985,
(N.D.P.S. Act). The petitioner has two criminal antecedents. He
is in custody since 06.03.2021.

Learned counsel for the petitioner submits that earlier
prayer for bail of the petitioner was rejected vide order dated



18.02.2022 passed in Cr. Misc. No. 41091 of 2021 due to non-disclosure of the complete antecedent of the petitioner in paragraph '3' of the earlier bail application.

Learned counsel submits that on the basis of secret information the informant raided the house of the petitioner and co-accused and recovered 6 grams of smack kept in small sachets.

It is submitted that the alleged recovery of heroin is much less than the commercial quantity.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Having regard to the facts and circumstances of the case wherein learned counsel for the petitioner submits that the alleged quantity of heroin recovered from the possession of the petitioner is much less than the commercial quantity and the rigours of section 37 of the N.D.P.S Act would not be attracted and further that the petitioner has remained in custody since 06.03.2021, he has got two criminal antecedents and in both the cases, it is stated that the petitioner is on bail, this Court directs release of the petitioner on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, West



Champaran, Bettiah, in connection with Bettiah Town P.S. Case No. 156 of 2021, subject to the conditions as laid down under Section 437(3) of the Cr.P.C.

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

The learned court below while accepting the bail bond of the petitioner shall satisfy itself that to the fact that the petitioner is on bail in both the cases (Bettiah Town P.S. Case No. 644/2018 and Bettiah Town P.S. Case No. 806/2018) stated in the para 3 of this application.

Certified copy of the order will be made available only after removal of the defects.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

