

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24533 of 2021

Arising Out of PS. Case No.-765 Year-2020 Thana- AHYAPUR District- Muzaffarpur

INDRAJEET KUMAR @ VINAY KUMAR son of Sri Raj Kumar Ram @
Raj Kumar Resident of village- Muradpur Dullah, P.S- Ahiyapur, Dist-
Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jai Prakash Verma, Adv

For the Opposite Party/s : Mr.Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-01-2022 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 the
learned A.P.P. for the State in virtual Court proceeding.

The petitioner seeks bail in connection with Ahiyapur
P.S.Case No. 765 of 2020 registered for the offence under
Sections 414/34 of the Indian Penal Code and Sections 20 and
22 of the NDPS Act.

The allegation against the petitioner is that 100 Gms
of Charas, 100 Gms of Ganja in five purias have been recovered
from possession of the petitioner.

Learned counsel appearing for the petitioner submits



that the petitioner has falsely been implicated in the present case. He further submits that as per notification issued under NDPS Act, 1985, commercial quantity of Charas has been defined to be 1 Kg, thus it is apparent that the quantity of the Charas recovered from the possession of the petitioner less than the commercial quantity. Hence, there is no bar for this Court to grant privilege of bail to the petitioner. Learned counsel for the petitioner submits that co-accused, namely, Lalan Mahato has been granted bail vide order dated 06.12.2021 in Cr.Misc. No.20770 of 2021 and another co-accused, namely, Amar Nath Sahni has been granted bail vide order dated 25.11.2021 in Cr. Misc. No.29987 of 2021 by different Coordinate Benches of this Hon'ble Court. Petitioner is in custody since 25.09.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 4th Additional Sessions Judge, Muzaffarpur in connection with Ahiyapur Police Station Case No.765 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)

Nitesh/-

U		T	
---	--	---	--

