

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23279 of 2022

Arising Out of PS. Case No.-161 Year-2021 Thana- MATIHANI District- Begusarai

Raja Ram Mahto Son of Raso Mahto Resident of Village- Sitarampur,
Rachyahi, Ward No. 10 Police Station - Matihani, District - Begusarai.

... .. Petitioner

Versus

1. The State of Bihar
2. The Union of India through Narcotics Control Bureau, Government of India.
India

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr.N.K. Agarwal, Senior Advocate
For the Opposite Party/s : Mr.Rajeev Nayan, App

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-08-2022 Heard learned Senior Counsel Mr. N.K. Agarwal for
the petitioner and the learned APP for the State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The case is registered under sections 8/20(b)(ii)(B)
of the NDPS Act in connection with Matihani P.S. Case No. 161
of 2021.

The allegation in the FIR is that the police upon
information about sale and purchase of 'Ganja' raided the house
of the petitioner and saw two persons with a packet, they were
apprehended and they disclosed their names as Raja Ram
Mahto, the petitioner herein and one Nitish Kumar. Accordingly,



they were searched and it is alleged that from the petitioner five kgs. of 'Ganja' whereas from Nitish Kumar 4 kgs. were recovered/seized and accordingly, they were taken into custody.

Learned Senior Counsel submits that because of his implication in other such cases, as stated in para-3 of the bail application, he has been dragged in the present case and has suffered a lot by being in custody since 26.12.2021 (as he was taken into custody immediately after lodging of the FIR on 25.12.2021). He lastly submits that one of the co-accused Nitish Kumar has since been granted bail vide Cr. Misc. No. 19557 of 2022 on 29.07.2022. Let the same be kept on record.

Let the petitioner be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty thousand) with two sureties of like amount each to the satisfaction of learned District and Sessions Judge, Begusarai, in connection with Matihani P.S. Case No. 161 of 2021 corresponding to NDPS Case No. 37 of 2021 subject to the following conditions:

(i) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive



dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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