

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25693 of 2022

Arising Out of PS. Case No.-26 Year-2022 Thana- BARHARA District- Bhojpur

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DILIP KUMAR THAKUR S/o Late Bahadur Thakur R/o village- Sariya,
P.S.- Barhara (Krishnagarah), District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Veena Rani Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 06-08-2022 Heard learned counsel for the petitioner and learned

APP for the State through video conferencing in view of the

COVID 19.

Let the defect(s), if any, as pointed out by the office

be removed within four weeks.

The petitioner is an accused in connection with

Barhara (Krishnagarah) P.S. Case No. 26/2022 registered under

Sections 21(a) of the NDPS Act and Section 30(a), 36 of the

Bihar Prohibition and Excise Act.

The allegation, as alleged in the FIR, against the

petitioner is that 4.75 gram of heroine and five liters of ‘mahua’

was recovered/seized from the conscious possession of the

petitioner. Accordingly, the FIR was lodged and the petitioner

has been taken into custody.



Learned counsel for the petitioner submits that as per the allegation, 4.75 gram of heroine and five liter of mahua has been recovered/seized from the petitioner's possession which has led to his judicial custody since 09.01.2022 (as stated in paragraph-11 of the bail application). It has further been submitted by him that the petitioner has no criminal antecedent and the heroine alleged to having been recovered/seized is less than commercial quantity and as such, he deserves bail.

Considering the aforesaid facts as also that he has no criminal antecedent, is in custody since 09.01.2022 coupled with the fact that charge sheet stands submitted, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned Additional District and Sessions Judge 1st Spl. Court, Bhojpur at Ara in connection with Barhara ((Krishnagarah) P.S. Case No. 26 of 2022, subject to the following conditions.

(i) one of the bailor should be the family member 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) 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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