

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26751 of 2022

Arising Out of PS. Case No.-218 Year-2021 Thana- HATHAURI District- Muzaffarpur

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SURAJ KUMAR@ ABHISHEK KUMAR Son of Sushil Singh Resident of
Village - Bhadai, P.S.- Haqthauri, Distt.- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Anil Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 26-08-2022 Let the defect(s), if any, as pointed out by the office,

be removed within four weeks.

None appears on call.

The case is registered under sections 20, 22 of the
NDPS Act in connection with Hathauri P.S. Case No. 218 of
2021, NDPS-125 of 2021.

As per the allegation in the FIR, the police upon
secret information about the movement of the accused persons,
moved towards the said place when they saw two persons trying
to flee away. They were apprehended and from a plastic bag of
accused Sanni Kumar, one kg. of ‘Ganja’ as also from the bag of
petitioner Suraj Kumar, 5 kgs. of ‘Ganja’ were recovered/seized.
Accordingly, they were taken into custody.

As per the averment made in the FIR, the petitioner



has alleged that as they were walking towards their home, the police apprehended and implicated in this case attributing 5 kgs. of 'Ganja' in the plastic bag to him. Further, as per the averment in the bail application, the petitioner is in custody since 6.9.2021(as stated in para-9 of the bail application) and has no criminal antecedent.

Taking into account the fact that the petitioner is in custody since 6.9.2021, the recovery/seizure is below the commercial quantity and he has no criminal antecedent as also the 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 Session Judge-cum-Special Judge, Muzaffarpur, in connection with Hathauri P.S. Case No. 218 of 2021, NDPS-125 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) 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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