

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36691 of 2021**

Arising Out of PS. Case No.-659 Year-2020 Thana- SITAMARHI District- Sitamarhi

Md. Reyaz @ Vishal @ Md. Riyaj S/o Abdul Rahman @ Vijay R/o Village-
Bhalhi, P.S.- Bathnaha, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Union of India through S.P. Sitamarhi.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok
For the Opposite Party/s : Mr. A.G.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 01-02-2022 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State in Virtual Court

proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Sitamarhi P.S.
Case No. 659 of 2020 registered for the offences punishable
under Sections 414 of the Indian Penal Code and Section 20/22
of N.D.P.S. Act.

According to prosecution case, on the basis of self
statement of the informant namely Vikas Kumar Rai, S.I. of
Sitamarhi police station stated that during course of vehicle
checking at Hospital Road Sitamarhi, on suspicion, one person



riding on a motorcycle was intercepted and on interrogation the petitioner was apprehended who disclosed his name and address as Md. Reyaz @ Vishal and after search 500 gm. Ganja as well as a stolen motorcycle was recovered from his possession.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that 500 gms.of Ganja has been recovered from the possession of the petitioner. He further submits that as per Narcotic Drugs and Psychotropic Substances Act, 1985, commercial quantity of Ganja is 20 kg. It appears that quantity of Ganja recovered from the petitioner is less than the commercial quantity, hence, there is no bar to grant of bail to the petitioner. It is further submitted that charge sheet has been submitted in this case. The petitioner is in custody since 07.12.2020.

The learned Additional Public Prosecutor opposed the prayer for bail, submitting that petitioner carries one criminal antecedent.

Considering the aforesaid facts and circumstances, 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 the learned Special Judge, Sitamarhi in connection with Sitamarhi P.S. Case No. 659 of 2020, subject to 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 absence on two consecutive dates without sufficient reason, his 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.

3. 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)

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