

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39128 of 2021

Arising Out of PS. Case No.-125 Year-2020 Thana- MATIHANI District- Begusarai

PANKAJ KUMAR @ PANKAJ MAHTO S/O KAILASH MAHTO R/O
VILLAGE-SIMARIYA GHAT BIND TOLI, P.S-BARAUNI (CHAKIYA),
DISTRICT-BEGUSARAI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Randhir Kumar No.1, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 18-02-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner, who is in custody since 23.09.2020,
seeks regular bail in connection with N.D.P.S. Case No. 13 of
2020, arising out of Matihani P.S. Case No. 125 of 2020, for the
offence punishable under Sections 25(1-b)a, 26 and 35 of the
Arms Act and Sections 20(B)(II)(b)/22 of the N.D.P.S. Act.

The prosecution case, in brief, is that a loaded country
made pistol, a live cartridge and a Oppo Mobile were recovered
from the possession of the petitioner. It is further alleged that 1
Kg 250 Gms of ganja kept in a plastic bag was also seized from



a hut.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits that nothing has been recovered from the possession of the petitioner. The alleged marijuana has been recovered from a hut, which does not belong to the petitioner and as such no case under N.D.P.S. Act is made out against the petitioner. Petitioner is in custody since 23.09.2020. Similarly situated co-accused namely Pankaj Kumar, Son of Nago Mahto has been granted bail by this Court vide order dated 27.01.2022 passed in Cr. Misc. No. 18700 of 2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the aforementioned facts and circumstances of the case, prima facie in absence of any seizure of marijuana from the possession of the petitioner, no case under N.D.P.S. Act is made out against the petitioner and considering the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-I-cum Special



Judge, NDPS Act, Begusarai in connection with N.D.P.S. Case No. 13 of 2020, arising out of Matihani P.S. Case No. 125 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(5) The court below is directed to verify the criminal antecedent of the petitioner and if the petitioner is found accused in any other case as mentioned in Para-3 of the bail petition, his bail bonds shall be cancelled.

(Purnendu Singh, J)

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