

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30912 of 2022

Arising Out of PS. Case No.-235 Year-2022 Thana- AHIYAPUR District- Muzaffarpur

1. Aakash Kumar Son Of Vinay Patel R/O-Mohalla- Gola Bandh Road, Mahavir Asthan, P.S.- Town, Dist.- Muzaffarpur
2. Vicky Raj Son Of Ramchandra Sah R/O-Mohalla- Laherisarai, P.S.- Laherisarai, Dist.- Darbhanga At Present R/O- Sahbajpur, P.S.- Ahiyapur, Dist.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yugal Kishore, Advocate
For the Opposite Party/s	:	Mr. Madan Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 30-08-2022 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

Learned counsel for the petitioners are permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Petitioners seek bail in a case registered for the offences punishable under Sections 8, 20 (b) (ii) (A) of NDPS Act and section 30 (a)/36 of the Bihar Prohibition and Excise Act, 2016.

According to prosecution case is that on secret information that 4-5 persons are sitting in suspicious state and upon such information raid was conducted and it is alleged that



Aakash Kumar was arrested and from his possession 150 gram Ganja like material wrapped in polythene has been recovered, while from Manish Kumar @ Kanhaiya 750 ml. Foreign wine has been recovered and Rahul Kumar also 750 ml. Foreign wine has been recovered. From Deepak Kumar 200 grams ganja has been recovered. It is further alleged that on enquiry apprehended persons stated that they have obtained the liquor and ganja for sale from Vicky Raj (petitioner no.-2) and Sagar Kumar Patel and were waiting for customers. Police then nabbed Vicky Raj and Sagar Patel. From Vicky Raj 200 grams Ganja while from possession of Sagar Patel 750 ml. Foreign liquor has been recovered and accordingly seizure list has prepared and present case has lodged.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that 150 grams of Ganja has been recovered from the possession of the petitioner no.1 and 200 grams of Ganja recovered from the possession of petitioner no.2. He further submits that the recovered contraband is less than the small quantity so there is no embargo of Section 37 of N.D.P.S. Act to enlarge the petitioners on bail. He



further submits that the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 25.03.2022 .

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Ahiyapur P.S. Case No. 235/2022, subject to the following conditions:-

1. Petitioners 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 petitioners tamper 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 peti-



tioners and in case at any stage it is found that the pe-
tioners have concealed his criminal antecedent, the
court below shall take step for cancellation of bail
bond of the petitioners. 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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