

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.35564 of 2022**

Arising Out of PS. Case No.-109 Year-2022 Thana- JAYNAGAR District- Madhubani

SHYAM KUMAR KAMAT SON OF NATHHO KAMAT Resident of  
Village- Mirchaiya, P.S.- Mirchaiya, District- Sirha ( Nepal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ravi Prakash, Advocate

For the Opposite Party/s : Mr.Bharat Bhushan, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

2      16-09-2022                      Heard learned counsel for the petitioner and learned  
APP for the State in Virtual Court Proceeding.

Let the defect(s), if any, as pointed out by the  
office, be removed within four weeks.

The case is registered under Section 414 of the IPC  
and 20/22 NDPS Act in connection with Jainagar P.S. Case No.  
109 of 2022, G.R. No. 09 of 2022.

According to the prosecution story, the police reached  
near Indo-Nepal border and saw two persons coming on  
motorcycle, they were intercepted and it is alleged that from a  
plastic bag which one Umesh Mandal was carrying, 15 gram of  
brown sugar was recovered. The petitioner was also a pillion  
rider. Both of them arrested and seizure list prepared.

Learned counsel for the petitioner submits that it was



Umesh Mandal who was carrying the bag from which 15 gram brown sugar was recovered. So far as this petitioner is concerned, nothing was recovered from him. It is further submission that even otherwise, the same was just above the small quantity and much below the commercial quantity. The last submission is that he is in custody since 11.4.2022 and has no criminal antecedent.

Taking into account the fact that the recovery of brown sugar has been attributed to one Umesh mandal, he is in custody since 11.4.2022, charge-sheet stands submitted, he do not have criminal antecedent, this Court is inclined to grant him the privilege of bail. However, if it is found that he do have criminal antecedent, this bail order shall become infructuous.

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 Sessions Judge, Madhubani in connection with Jainagar P.S. Case No. 109 of 2022, G.R. No. 09 of 2022 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)**

Ravi/Ajay Singh

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