

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48116 of 2021**

Arising Out of PS. Case No.-412 Year-2021 Thana- AHIYAPUR District- Muzaffarpur

Manish Kumar Son of Mohan Prasad Sah Resident of Village - Chaturi
Punash , P.S.- Ahiyapur, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar, Advocate

For the Opposite Party/s : Mr. Arun Kumar Singh, APP

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

5 18-05-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 272, 273, 34 of the Indian Penal Code and Sections 30(a), 36 of Bihar Prohibition and Excise Act, 2016 and Section 20/22 of the N.D.P.S. Act.

As per prosecution case, sixty sachets of Smack has been recovered from the possession of the petitioner.

Learned counsel for the petitioner submits that the petitioner has clean antecedents and he has been falsely implicated in the present case. He further submits that the



alleged recovered Smack is less than commercial quantity and as such, rigors of Section 37 of the N.D.P.S. Act would not be attracted against the petitioner and the petitioner is in custody since 27.06.2021.

Learned APP for the State vehemently opposed the prayer for bail of the petitioner and fairly submits that the FSL report confirms and the seized substance is smack. He further submits that similarly situated co-accused namely Lalbabu Rai has been granted bail by a Coordinate Bench of this Court vide order dated 23.11.2021 in Cr. Misc. No. 48838 of 2021.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail **after framing of charge** on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Ahiyapur P.S. Case No. 412 of 2021, with 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 witness, 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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