

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39140 of 2022

Arising Out of PS. Case No.-237 Year-2022 Thana- SHERGHATI District- Gaya

1. Mithilesh Kumar S/o Nakhuni Yadav R/o village- Masaundha, P.S.- Barachatty, Distt.- Gaya
2. Sikandra Yadav S/o Muneshwar Yadav R/o village- Masaundha, P.S.- Barachatty, Distt.- Gaya

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Vijay Kumar

For the Opposite Party/s : Mr.Nand Kumar

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-09-2022 Heard learned counsel for the petitioners and learned
APP for the State.

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

The case is registered under sections 8/17(C)/18(C)
of the N.D.P.S. Act, in connection with Sherghati (Dobhi) P.S.
Case No. 237 of 2022.

The prosecution story, in brief, is that informant,
A.S.I. of Dobhi P.S. alleged that on 18.3.2022 during the course
of patrolling, he got information that two persons on a
motorcycle were going through Amaraut-Mahkar village to sell
opium (Afim). The police reached the spot and arrested both of



them who disclosed their names as Mithilesh Kumar and Sikandar Yadav and upon search, 900 grams Opium (Afim) was recovered/seized from the bag of Sikandar Yadav and a mobile from the possession of the petitioner No.1.

Learned counsel for the petitioners submit that although recovery/seizure is of 900 grams of opium (Afim), a bare perusal of the seizure list, would show that it has not been attributed to anyone and as such it cannot safely concluded that nothing was recovered from their possession and they have been implicated as accused in this case. Although, he do concede that their respective signatures are there. His last submission is that the petitioner is in custody since 20.3.2022.

The learned APP on the other hand opposes the bail stating that there is seizure of 900 grams of opium (Afim).

Be that as it may, the recovery/seizure is of 900 grams opium (Afim) which is below commercial quantity, they are in custody since 20.3.2022, have no criminal antecedents and the charge-sheet stands submitted, this Court is inclined to grant him the privilege of bail. However, if it is found that any statement made in the bail application is false, this bail order shall become infructuous.

Let the petitioners be released on bail on furnishing



bail bond of Rs. 20,000/- (Twenty thousand) each with two sureties of like amount each to the satisfaction of learned Sessions Judge, Gaya, in connection with Sherghati (Dobhi) P.S. Case No. 237 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member 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 reason will entail cancellation of his/her bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) 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.

Ravi/Ajay Singh

(Rajiv Roy, J)

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