

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47850 of 2021

Arising Out of PS. Case No.-260 Year-2021 Thana- AHIYAPUR District- Muzaffarpur

MD. ARMAN Son of Late Md. Illiyas Resident of Village - Damodarpur,
P.S.- Kanti, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahendra Thakur, Adv

For the Opposite Party/s : Ms.Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 05-05-2022 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 offence punishable under Sections 401,411,34 of the IPC and Sections 20/22 of N.D.P.S. Act.

According to prosecution case, total 1 Kg. 350 grams of Ganja was recovered.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that it appears from the FIR as well as seizure list that about 500 Grams of



Ganja has been recovered from possession of the petitioner. Learned counsel for the petitioner submits that the recovered Ganja is less than the commercial quantity. Section 37 of the N.D.P.S. Act is not on the way to enlarge the petitioner on bail. He further submits that the similarly situated co-accused, namely, Nand Kishor Sahni has been granted bail vide order dated 13.01.2022 in Cr. Misc. No.54127 of 2021 and another co-accused, namely, Md. Alam Hussain @ Chunu has also been granted bail vide order dated 24.03.2022 in Cr. Misc. No.49350 of 2021 by this Hon'ble Court and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 09.04.2021.

Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner and submits that the F.S.L. Report confirms that the recovered article is Ganja.

Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousands) 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.260 of 2021 (N.D.P.S. Case No.34 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

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

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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