

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51740 of 2021**

Arising Out of PS. Case No.-61 Year-2019 Thana- BATHNAHA District- Sitamarhi

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VIJAY MAHTO S/O TILDHARI MAHTO R/o village- Araria, P.S.-
Kanhauli, District- Sitamarhi

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar, Adv.

For the Opposite Party/s : Mr. Raj Kishore Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 03-03-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under section 414 of the Indian Penal Code and sections 20, 22 and 23 of the NDPS Act.

As per the prosecution case, on a raid being conducted while some of the accused persons were caught, the petitioner and others managed to escape. It is stated that 5 kgs of *ganja* was recovered.

It is submitted by learned counsel for the petitioner that neither the petitioner was arrested at the spot nor any incriminating article has been recovered from his possession. The only material against the petitioner is the statement of the coaccused made before the police. The petitioner is in custody since 11.9.2020 and chargesheet has been submitted in the case.



A number of coaccused have been enlarged on bail.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case together with the petitioner not having been arrested at the spot and having remained in custody for over 1 year and 5 months, the Court directs the petitioner to be enlarged on bail in connection with Bathnaha P.S. Case no. 61 of 2019 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Sitamarhi.

(Partha Sarthy, J)

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