

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42763 of 2022

Arising Out of PS. Case No.-83 Year-2022 Thana- MITHANPURA District- Muzaffarpur

MADAN MAHTO @ VIJAY MAHTO Son of Late Shiv Narayan Mahto
Resident of Mohalla- Guljarbagh, Devi Sthan, Dadar Mandi, P.S- Alamganj,
Dist- Patna

... .. Petitioner/s

Versus

1. Union of India Government of India
2. The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar Sinha
For the Opposite Party/s : Mr. K.N. Singh (A.S.G.)

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-11-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in connection with Mitthanpura P.S. Case No. 83 of 2022 registered for the offences punishable under Sections 399, 402 of the Indian Penal Code and Sections 8 (C) / 20(b) (ii) (B) of NDPS Act.

As per prosecution case, there is alleged recovery of total 60 sachet of Smack like powder weighing 15 gm from three accused persons including petitioner out of which 20 sachet of Smack like powder weighing near about 5 gm was



recovered from the possession of petitioner.

Learned counsel for the petitioner submits that petitioner is in custody since 20.03.2022. Petitioner bears no criminal antecedent. Petitioner is quite innocent and he has been falsely implicated in this case on account of police vengeance. Nothing has been recovered from the conscious possession of the petitioner. There is no compliance of Section 100 of Cr.P.C. Seizure list has not been made as per law. Learned counsel for the petitioner submits that alleged recovery is less than commercial quantity.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned court of Additional District and Session Judge-II cum Special Judge N.D.P.S., Muzaffarpur in connection with N.D.P.S. Case No. 77 of 2022 arises out of Mitthanpura P.S. Case No. 83 of 2022,



subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) If the petitioner is found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(Alok Kumar Pandey, J)

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