

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54813 of 2021

Arising Out of PS. Case No.-887 Year-2020 Thana- AHYAPUR District- Muzaffarpur

Arvind Kumar S/O Jagarnath Rai R/O Village- Bhagawatipur, P.S.- Ahiyapur,
District- Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anish Kumar

For the Opposite Party/s : Mr .Dr. Indihar Kumari

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 31-03-2022 Let the defects, if any, be removed within four weeks
from today.

Heard learned counsel for the petitioner as well as
learned Additional Public prosecutor for the State.

Petitioner seeks bail in a case registered in connection
with Ahiyapur P.S.Case No. 887 of 2020 for the offences
punishable under Section 20,22 of the N.D.P.S Act.

As per prosecution case, on search of vehicle by the
police personnel, two persons were coming on a Bike and
seeing the police personnel, they tried to fled away but both the
persons were caught by the police. It is alleged that on being
search 900 gm. Ganja were recovered from their possession.

Learned counsel for the petitioner submits that
petitioner has falsely been implicated in this case. One mobile



phone and 500gm, Ganja were recovered from possession of the petitioner. More or less, same quantity of Ganja has been recovered from possession of other co-accused persons. Petitioner has got clean antecedent and he is in custody since 25.11.2020. On similar footing, one co-accused namely, Bhola Kumar has been granted bail by a co-ordinate Bench of this Court in Cr. Misc. No. 20172 of 2021 vide order dated 11.02.2021.

The learned A.P.P opposed the prayer for bail of the petitioner.

Having heard the rival contentions of the parties and taking into consideration the fact that 500 gm Ganja has been recovered from a bag hanging on Motorcycle and even if the allegation taken to be true, then also, the said quantity is small quantity, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/0- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned IV, Additional Sessions Judge, Muzaffarpur in connection with Ahiyapur P.S.Case No. 887 of 2020, on the following conditions:-

“(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court



below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(ii) 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”

(Harish Kumar, J)

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