

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61439 of 2021**

Arising Out of PS. Case No.-200 Year-2021 Thana- GAIGHAT District- Muzaffarpur

=====

HARI SHANKAR RAI Son of Mr. Maheshwar Rai Resident of Village -
Hanuman Nagar, P.S. - Gaighat (Benipad O.P.), District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Vaishnavi Singh

For the Opposite Party/s : Mr.Chandra Bhushan Prasad

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 20-04-2022 Heard learned counsel for the parties.

The petitioner is in judicial custody in connection with Gaighat P.S. Case No.200 of 2021 lodged under Section 41/34 of the Indian Penal Code and sections 8/20/22 of NDPS Act.

As per the FIR, the police personnel during patrolling found two persons on a motorcycle who tried to flee away after seeing them. Both were apprehended and 30 pouches containing smack like substance were found which weigh 15 gm. They also failed to produce any document relating to motorcycle.

The articles were seized and the petitioner was taken into judicial custody.

Counsel for the petitioner submits that said seizure was not made in presence of any Gazetted Officer. He further



submits that the different sections of NDPS Act was completely violated while making seizure. He also submits that even the motorcycle which was seized by the police actually belongs to the petitioner and he has valid document to support the point. He further submits that he does not have criminal antecedent as stated in para 3 of the petition.

Taking into account the aforesaid facts as also that he is in custody since 8.6.2021, let the petitioner be released on bail on furnishing bail bond of Rs.25,000/-(twenty five thousand) with two sureties of the like amount each in connection with Gaighat P.S. Case No.200 of 2021 to the satisfaction of Addl. Sessions Judge IV- cum-Special Judge NDPS, Muzaffarpur, subject to following conditions:

(i) the Trial court shall satisfy itself on the criminal antecedents of the petitioner prior to his release on bail and if it is found that he has criminal antecedent, this bail order shall become infructuous in view of this wrong statement in para 3.

(ii) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(iii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive



dates without plausible reasons will entail his cancellation of bail by the Trial court itself;

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

With the aforesaid observation, the bail application is allowed.

(Rajiv Roy, J)

s.hassan/-

U		T	
---	--	---	--

