

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63960 of 2021**

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

DILIP SAH S/o Gulgly Sah R/o village- Pirau Chha, P.S.- Gaighat, District-
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raju Kumar

For the Opposite Party/s : Mr.Jharkhandi Upadhyay

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER**

2 22-04-2022 Heard learned counsel for the parties through video
conferencing in view of COVID-19.

The petitioner is in judicial custody in connection with N.D.P.S. Case no. 60 of 2021 arising out of 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 prosecution story, police intercepted 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 submits that the different sections of NDPS Act was completely violated while making seizure. He further submits that he does not have criminal antecedent (as stated in para 3 of the petition). He lastly submits that the petitioner is in custody since 8.6.2021 (as stated in para 7 of the bail application).

Taking into account the aforesaid facts as also that he is in custody since 8.6.2021 and the charge sheet has been submitted, let the petitioner be released on bail on furnishing bail bond of Rs.15,000/-(fifteen thousand) with two sureties of the like amount each in connection with N.D.P.S. Case no. 60 of 2021 arising out of Gaighat P.S. Case No.200 of 2021 to the satisfaction of Addl. Sessions Judge IV , 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 the wrong statement in para 3 of the bail application;

(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) if he indulges in any criminal offence once again, the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

s.hassan/-

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