

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67104 of 2021

Arising Out of PS. Case No.-198 Year-2021 Thana- PIPRAHI District- Sheohar

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Akhilendra Kumar Tiwari @ Chhotu Son of Angad Tiwari Resident of Village
- Piprahi, District - Sheohar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Madhubala Verma, Advocate

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-05-2022 Heard counsel for the parties.

Let the defect(s), if any, as pointed out by the office
be removed within a period of four weeks.

The petitioner is in jail since 12.10.2021 in connection
with Piprahi P.S. Case No. 198 of 2021 under sections
20/22/24 of the NDPS Act.

As per the prosecution story, on secret information the
S.I. of Piprahi police station raided the betel shop of the
petitioner and recovered/seized 105 grams of ‘Ganja’ along with
three packets of cigarette. Accordingly, the petitioner was
arrested and the present FIR came to be instituted.

The learned counsel for the petitioner, Mrs.
Madhubala Verma submits that the said ‘Ganja’ as well as rolled
cannabis cigarettes were seized from the rack outside of betel



shop of the petitioner and as such the same cannot attributed to him. She further submits that charge-sheet has been submitted and he is in custody since 12.10.2021 (as stated in para-12 of the bail application).

Considering the fact that the charge-sheet has been submitted, the petitioner does not carry any criminal antecedent and is in custody since 12.10.2021; this Court is inclined to grant him the privilege of bail. However, if it is found that he do have any criminal antecedent, the bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned District and Sessions Judge-cum-Special Judge, Sheohar, in connection with Piprahi P.S. Case No. 198 of 2021 subject to the following conditions:-

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

(ii) 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;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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