

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69588 of 2021

Arising Out of PS. Case No.-353 Year-2020 Thana- HAJIPUR SADAR District- Vaishali

Nagendra Mahto @ Nagendra Kumar Son of Ram Kishun Mahto Resident of
Village - Daulatpur Chandi, P.S.- Hajipur Sadar, Distt.- Vaishali.

.. ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rina Sinha, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

4 30-11-2022 The applicant/accused in Crime No. 353/2020 registered with Police Station Hajipur Sadar for the offences punishable under Sections 8/20 (b)(ii)A/25/29 of the N.D.P.S. Act, by this application is seeking his release on bail by renewing his prayer for grant of bail during pendency of the trial. His earlier bail application was rejected by the Co-ordinate Bench of this Court by holding that the applicant is having criminal antecedent.

The learned counsel appearing for the applicant argued that co-accused Chhotu Paswan having similar criminal antecedent is subsequently directed to be released on bail by a Co-ordinate Bench of this Court vide order dated 25.07.2022 in Cr. Misc. No. 17668 of 2022.

The learned APP has not disputed this fact but argued that the crime in question is serious.

I have considered the submissions so advanced and also perused the material placed before me.

In course of search, police recovered 510 gms of Chars from possession of the applicant. Co-accused Chhotu Paswan was accompanying the applicant. From his possession also quantity of about similar weight of Charas came to be recovered.

Co-accused Chhotu Paswan, against whom there are 13 criminal antecedents, is already directed to be released on bail by a Co-ordinate Bench of this Court vide order date 25.07.2022 passed in Cr. Misc. No. 17668 of 2022. The accusation against both the applicants so also evidence against them is identical in nature. Therefore, the applicant is now entitled for similar treatment as is given to Chhotu Paswan. Hence the order:

(i). The application is allowed.

(ii). The applicant/accused in Crime No. 353/2020 registered with Police Station Hajipur Sadar for the offences punishable under Sections 8/20 (b)(ii)A/25/29 of the N.D.P.S. Act be released on bail on executing P.R. bond of Rs.10000/-(Rupees Ten Thousand) and on furnishing surety of the like amount to the satisfaction of the learned 1st Additional

Sessions Judge, Vaishali at Hajipur with the following conditions:

(I). The applicant should not extend any threat, promise or inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II). The applicant should cooperate the trial in expeditious disposal of the trial against him.

(III). The applicant should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV). The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

Aditi/-

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