

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72620 of 2021**

Arising Out of PS. Case No.-340 Year-2021 Thana- SAHEBGANJ District- Muzaffarpur

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SUMAN SRIVASTAV S/o Mankeshwar Prasad Srivastav R/o Village -
Subhanpur, P.S. - Sahebganj, District - Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajiv Kumar, Adv.

For the Opposite Party/s : Mrs.Pronoti Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

4 25-08-2022 The present matter has been listed under the heading
“To Be Mentioned” on the basis of mention slip filed on behalf
of the petitioner on the ground that father of petitioner is ill and
his treatment is necessary in higher medical institution.

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

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
N.D.P.S. Case No. 94 of 2021 arising out of Sahebganj P.S. Case



No. 340 of 2021 registered for the offences punishable under Sections 8, 20, 22 of the N.D.P.S. Act.

As per prosecution case, there is alleged recovery of 500 gram charas from the possession of co-accused Jitendra Sahni and petitioner was also found standing there and apprehended on the spot.

Learned counsel for the petitioner submits that petitioner is in custody since 15.07.2021 and bears criminal antecedent of two cases in which he is on bail. Petitioner has not committed any offence of similar nature in past. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that no incriminating article has been recovered from possession of the petitioner rather the alleged recovery was made from the possession of co-accused Jitendra Sahani. Petitioner has been falsely implicated in this case at the instance of his enemies. He further submits that small quantity of charas is 100 gram and commercial quantity is 1 kg and the alleged recovery of 500 gram charas comes under the purview of intermediary quantity. Petitioner has no concern with the alleged recovered charas.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.



Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and argument advanced on behalf of both the parties and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-V, Muzaffarpur in connection with Sahebganj P.S. Case No. 340 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) If the petitioner is found involved in similar



nature of offences in future, the learned trial court shall be at
liberty to cancel his bail bond.

(Alok Kumar Pandey, J)

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