

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.972 of 2022

Arising Out of PS. Case No.-176 Year-2021 Thana- GAIGHAT District- Muzaffarpur

Sunil Rai Son of Sikindar Rai @ Sokindra Ray Resident of Village- Bharat Nagar, P.S.- Gaighat, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhusudan Kumar, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 19-05-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Gaighat P.S. Case No. 176 of 2021 registered under Sections 414 and 34 of the Indian Penal Code read with Sections 8, 20 and 22 of the N.D.P.S. Act.

Learned counsel for the petitioner submits that the petitioner is in custody since 17.05.2021, is a person with clean antecedent, charge-sheet has been submitted in the case and allegation is of recovery of 3 Kg 300 gms of *Ganja* from a bag hanging on a motorcycle and the petitioner was caught, while two accused fled away. The learned counsel submits that admittedly the alleged recovery is from a motorcycle on which three accused were alleged to have been sitting and on seeing the police two of them fled and the petitioner got caught. It is



next submitted that the motorcycle does not belong to the petitioner.

The learned counsel further submits that even presuming what has been alleged is true without admitting for the purpose of bail, the allegation is that there were three accused and the *Ganja* was recovered from the motorcycle and the motorcycle does not belong to the petitioner so, as such, the alleged recovered *Ganja* should be distributed on all the accused persons then the same comes to 1 kg. 100 gms. per accused. It is next submitted that the petitioner is a person with clean antecedent and even if the allegations for the purpose of bail is considered true, then it is his first offence.

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

Considering the fact that the petitioner is in custody since 17.05.2021, is a person with clean antecedent and charge-sheet has been submitted in the case and it is his first offence, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Gaighat P.S. Case



No. 176 of 2021, with a condition that one of the bailors shall be the father of the petitioner namely Sikandar Rai @ Sokindra Ray.

At this state, learned counsel for the petitioner on instruction submits that father of the petitioner presently is in custody, as such, he cannot become bailor of the petitioner.

In view of the submissions made by the learned counsel for the petitioner, the one of the bailors of the petitioner shall be his own brother namely Amit Kumar.

The petitioner shall be released only if the learned court below, after enquiry, gets satisfied that the father of the petitioner is in jail as of date i.e. 19.05.2022.

Further, if the learned court below comes to a conclusion that the petitioner after his release is trying to delay the trial in any manner, the learned court below shall, forthwith, cancel his bail bond after recording reason.

(Satyavrat Verma, J)

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