

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.1446 of 2022

Arising Out of PS. Case No.-151 Year-2021 Thana- BARURAJ District- Muzaffarpur

Raja Mahto @ Raja Babu, Son of Baban Mahto, Resident of village- Jalalpur,
P.S.- Lalganj, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Jha, Advocate

For the Opposite Party/s : Mr. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

3 18-08-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Amit Kumar Jha, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Baruraj P.S. Case No. 151 of 2021 registered
for the offences punishable under Sections 25(1-b)a, 26/35 of
the Arms Act and Sections 20, 22 of the N.D.P.S. Act.

As per prosecution case, it is alleged that the police on
suspicion apprehended two persons including the petitioner and
on search one country made pistol with two live cartridges along
with 1 Kg. Ganja was recovered from the possession of the



petitioner.

It is submitted by the learned counsel appearing on behalf of the petitioner that on the fateful day while the petitioner was waiting for vehicle, in the meantime, on account of some suspicion the petitioner was apprehended and certain altercation took place between the petitioner and the police personnel and thereafter his name has been implicated in this case showing recovery from his possession. It is next submitted that so far the alleged recovered Ganja is concerned, the same has not been chemically examined by the Forensic Science Laboratory and the charge-sheet has been submitted without obtaining the F.S.L. report. It is next submitted that the alleged recovered Ganja is a small quantity, for which the punishment is prescribed only for six months. It is also submitted that there is no compliance of Section 50 of the N.D.P.S. Act and moreover this petitioner is in custody since 09.08.2021.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the arms and Ganja have been recovered from the possession of the petitioner.

Having regard to the submissions made on behalf of the parties and considering the fact that the petitioner is in



custody since 09.08.2021 and moreover the alleged recovered Ganja like substance is below the commercial quantity and investigation of the crime is already completed and charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-V-cum-Special Judge, Muzaffarpur in connection with Baruraj P.S. Case No. 151 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain physically present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found



that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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