

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27367 of 2023

Arising Out of PS. Case No.-64 Year-2021 Thana- KHODAWANDPUR District- Begusarai

AKHILESH KUMAR Son of Umakant Mahto @ Kuntilal Resident of Village
- Fafut, Ward No.- 04, P.S.- Khodawandpur, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal, Sr. Adv. Mr. Kumar Rajdeep Mr. Arvind Kumar
For the Opposite Party/s :		Mr. Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 26-04-2023 Heard learned Senior Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
N.D.P.S. Case No. 6 of 2021, arising out of Khodawandpur
Police Station Case No. 64 of 2021, registered for the offences
punishable under Sections 20 (ii)(c) and 22 (c) of the Narcotic
Drugs and Psychotropic Substances Act, 1985.

This is the third attempt on behalf of the petitioner for
grant of regular bail. On the last occasion, the prayer for regular
bail of the petitioner was permitted to be withdrawn by this
Court, vide order, dated 14.12.2022, passed in Criminal Misc.
No. 67730 of 2022, giving liberty to the petitioner to renew his
prayer for bail after one year from the date of first rejection.



The prosecution case, as per the First Information Report, is that 10 Kgs. of Ganja has been recovered from a motorcycle, which was being driven by the petitioner and his father was sitting as pillion rider.

The first rejection of the bail application of the petitioner was on 08.04.2022 and according to learned Senior Counsel for the petitioner, one year has already passed. Referring to Annexure-3, he submits that similarly situated co-accused Umakant Mahto, who is father of the petitioner, has been granted bail by a co-ordinate Bench of this Court, vide order, dated 24.08.2022, passed in Criminal Misc. No. 51580 of 2021. He further submits that ganja, which has allegedly been recovered, is not of commercial quantity. He further submits that the petitioner is in custody since 22.03.2021, having no criminal antecedent.

Regards being had to the submission advanced on behalf of the parties and taking into consideration the fact that the petitioner has got no criminal antecedent, co-accused person has been granted bail by this Court, he is in custody since 22.03.2021 and this is the third attempt on behalf of the petitioner for grant of bail, I am inclined to grant regular bail to the petitioner.



This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I, Begusarai, in connection with N.D.P.S. Case No. 6 of 2021, arising out of Khodawandpur PS Case No. 64 of 2021.

This is subject to the condition that the petitioner shall present himself before the Court, as and when required, and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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