

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40192 of 2023

Arising Out of PS. Case No.-205 Year-2022 Thana- DHAKA District- East Champaran

RAMSAGAR MAHTO S/O LATE RAMLAL MAHTO R/O Village- Sarya
Gopal, P.S- Patahi, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Waliur Rahman, Advocate

For the Opposite Party/s : Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 14-07-2023

Heard the parties.

The petitioner is in custody in connection with NDPS Case No. 28 of 2022 arising out of Dhaka P.S. Case No. 205 of 2022 for the offence under Section 20/22 of the NDPS Act lodged on 11.04.2022 by the informant, Abhay Kumar.

The prosecution case, in brief, is that the informant Abhay Kumar, SHO gave his self-statement that when he reached near Deepak Marriage Hall, three persons on two motorcycles were coming from Pakridayal and when they saw Police Van, they tried to escape but the police caught them and on search, recovered 250 gm 'Heroin' and a Samsung Mobile. Accordingly, the F.I.R.

It has been contended by the learned counsel for the petitioner that only to implicate the accuseds including the



petitioner herein, the quantity recovered/seized has been shown as 250 gm of '*heroine*' which is the outer limit of commercial quantity and is not above, it has already suffered by being in custody since 11.04.2022 (as stated in paragraph 8 of the petition) and do not have any criminal antecedent.

Learned APP opposes the prayer stating that recovery/seizure is of 250 gm of '*heroine*' which is the limit for commercial quantity from the three accused persons.

Considering the fact that the petitioner do not have any criminal antecedent and has already remained in custody since 11.04.2022 as also the other submissions put forward by the learned counsel for the petitioner and ultimately he has to face the trial, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty thousand) with two sureties of like amount each to the satisfaction of learned 14th Additional Sessions Judge cum Special Judge (NDPS) East Champaran, Motihari, in connection with NDPS Case No. 28 of 2022 arising out of Dhaka P.S. Case No. 205 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month till the conclusion of the trial to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the application is allowed.

(Rajiv Roy, J)

Jagdish/Kiran/-

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