

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37471 of 2023

Arising Out of PS. Case No.-84 Year-2023 Thana- AHİYAPUR District- Muzaffarpur

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Tinku Kumar Son Of Bijali Thakur Resident Of Village - Paharchak, Ward
No.6, Police Station - Motipur, District - Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-07-2023 Heard the parties.

The petitioner is in custody since 22.1.2023 in connection with Ahiyapur P.S. Case No. 84 of 2023 for the offence punishable under Sections 414/34 of the I.P.C. and 8©, 21 (b) of NDPS Act lodged on 22.1.2023 by the informant Sanjeet Kumar.

The prosecution story, in brief, is that on 22/01/2023 while the informant was on evening patrolling and when he reached at Bairia Bus Stand, got information that three persons are making probable customer to sale mobile and as such he reached there. As he found three persons in front of 'Maa Janki Hospital' tried to confront, they wanted to escape but were apprehended. They disclosed their names as Aman Kumar, Irfan



Ali and Tinku Kumar (petitioner) and from the possession of Aman Kumar, a Samsung mobile as also in black colour polythene thirteen (13) pouches Smack, (15.45 grams) was found and from the possession of Irfan Ali 8 pouches (in total 9.33 grams Smack) was found and so far the petitioner is concerned 9 pouches totaling 10.55 gm. Smack were found. The same was seized. They made statement that they use to sale Smack as well as theft mobile in Bus stand and in course whereof were caught by the police. Thus the FIR.

It has been contended by the learned counsel for the petitioner that he has been implicated in this case by the police and in any case, the recovery/seizure 10.55 grams of Smack which is below the commercial quantity of 250 grams.

The last submission is that he is in custody since 22.1.2023.

Learned APP opposes the prayer but concedes that it is below the commercial quantity.

Considering the aforesaid submission put forward by the learned counsel for the petitioner as also the fact that he do not have criminal antecedent and is in custody since 22.1.2023 (as stated in para-8 of the bail application), 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 3rd Additional Sessions Judge, Muzaffarpur, in connection with Ahiyapur P.S. Case No. 84 of 2023 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 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 for next one year 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 bail application is
allowed.

(Rajiv Roy, J)

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