

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48009 of 2022

Arising Out of PS. Case No.-876 Year-2020 Thana- AHIYAPUR District- Muzaffarpur

AKASH KUMAR Son of Umesh Mahto @ Umesh Ray Resident of Village -
Nazirpur, Police station- Ahiyapur in the District of Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar

For the Opposite Party/s : Mr. Shyam Biharip Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 15-02-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with
N.D.P.S Case No. 121 of 2020 arising out of Ahiyapur P.S.
Case No. 876 of 2020, registered for the offences
punishable under Sections 401 of Indian Penal Code and 20,
22 N.D.P.S. Act.

As per allegation 500 gm Ganja was recovered
from the petitioner.

Ld. counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case. He further submits that nothing has been recovered



from the conscious possession of the petitioner. He also submits that other co-accused, namely, Dinesh Kumar, Sonu Kumar and Vikash Kumar @ Vijay Tiwari have already been enlarged on bail by a coordinate Bench of this Court vide order dated 12.08.2021 passed in Cr. Misc. No. 16756 of 2021, vide order dated 24.08.2021 passed in Cr. Misc. No. 20909 of 2021 and vide order dated 23.11.2021 passed in Cr. Misc. No. 24991 of 2021. He further submits that the quantity of the recovered contraband is much less than commercial one. He also submits that investigation in this case is complete and charge-sheet has already been submitted.

He further submits that the petitioner has been languishing in jail since 20.11.2020.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in three other cases.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.



However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, particularly the quantity of alleged contraband, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Additional Sessions Judge, N.D.P.S. Act, Muzffarpur in connection with Ahiyapur P.S. Case No. 876 of 2020, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him



from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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