

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51877 of 2022

Arising Out of PS. Case No.-99 Year-2021 Thana- BUXAR RAIL P.S. District- Bhojpur

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RAMADHAR MAHTO @ RAMADHARAT MAHTO S/o Gulab Mahto R/o
village- Dharahara, P.S.- Amnaur, District- Chhapra (Saran)

... .. Petitioner/s

Versus

1. THE UNION OF INDIA New Delhi
2. The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Dhaneshwar Prasad Gupta
For the Opposite Party/s	:	Mr.Choubey Jawahar
For the UOI	:	Mr.Anshuman Singh C.G.C.
		Mr.Ranjan Kumar

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CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY

ORAL ORDER

5 28-03-2023 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the office within one

month.

Heard learned counsel for the petitioner as well as

learned APP for the State and the learned counsel for the Union

of India.

In this case, the petitioner is seeking regular bail in

connection with Buxar Rail P.S. Case No. 99 of 2021, (NDPS

Case No. 39 of 2021), registered for the offences punishable

under Sections 8/20 (b) ii (c) of the NDPS Act.

As per allegation, 0.58 kg of ganja was recovered

from backpack of the petitioner. It is further alleged that 7.40 kg



of *ganja* was also recovered from a carton, which was kept underneath the seat of coach.

The learned counsel for the petitioner has submitted that though 0.58 kg of *ganja* was recovered from the backpack of the petitioner, but the quantity of seized ganja is much less than the commercial quantity and the carton, wherefrom 7.40 kg of ganja was recovered, does not belong to the petitioner. The entire allegation is false. The petitioner is a person of clean antecedent. He is under custody since 26.10.2021.

On the other hand, the learned APP and the learned counsel for the Union of India have opposed the prayer for bail.

Considering the above-mentioned facts and circumstances, especially the period of incarceration and clean antecedent, let the petitioner above-named be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned Incharge Special Judge, NDPS Act, Bhojpur at Ara in connection with NDPS Case arising out of Buxar Rail P.S. Case No. 99 of 2021, subject to the following conditions:-

- (i) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.



(ii) If the petitioner is found involved in future in the similar type of offence, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner and the learned court below will take decision in accordance with law.

Office shall ensure that all defects are removed by the petitioner within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

Kundan/Nirmal

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