

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52139 of 2023

Arising Out of PS. Case No.-148 Year-2023 Thana- PIPRAHI District- Sheohar

1. Mishri Mandal Son Of Late Dhanuk Mandal R/O-Ijot, P.S.-BASOPATTI, Distt.-MADHUBANI
2. Rajkumar Mahtha Son Of Late Kari Mahtha R/O-Basopatti, Babhandai Chowk, P.S.-BASOPATTI, Distt.-MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar Sah, Advocate
For the Opposite Party/s : Mr.Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 18-08-2023 Heard the parties.

The petitioners are in judicial custody in connection with Piprahi P.S. Case No. 148 of 2023 for the offence punishable under Section 20/22 of N.D.P.S. Act lodged on 2.7.2023 by the informant, Anamika Kumari.

As per the prosecution story, the police during patrolling duty, apprehended two persons and recovered/seized 125 and 95 grams of 'Ganja' from the petitioner nos. 1 and 2 respectively. This followed FIR.

Learned counsel for the petitioners submit that they have been implicated in the matter despite the fact that they do not have criminal history and are in custody since 3.7.2023



(para-14 of the petition)

Learned APP opposes the prayer.

Taking into account the period of custody, the quantity of the seized material as also that none of them have criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Sessions Judge cum Special Judge, NDPS, Sheohar, in connection with Piprahi P.S. Case No. 148 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners 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 their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;

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

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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