

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53517 of 2023**

Arising Out of PS. Case No.-68 Year-2023 Thana- CHHAURADANO District- East
Champaran

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MANIK MAHTO @ MANIF MAHTO@ MANISH SON OF LAXMAN
MAHTO RESIDENT OF VILLAGE -SHYAMPUR BARWA, PS-
SANGRAMPUR, DISTT- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Harendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-08-2023 Heard the parties.

The petitioner is an accused in connection with
N.D.P.S. Case No. 22 of 2023 arising out of
Chhaurandano(Mahuawa) P.S. Case No. 68 of 2023 registered
for the offences under sections 20(b)(II)(c) and 23(c) of the
N.D.P.S. Act lodged on 18.03.2023 by the informant, Rupanta
Saikiya.

As per the prosecution story, the informant saw three
persons carrying bag on their head coming towards India side as
they were asked to stop, they threw the bag and tried to escape.
Two persons managed to escape, the petitioner herein was



apprehended and as per the seizure list, from each of the bag 13 kg '*ganja*' was recovered/seized. The total recovery/seizure is of 39 kg. This followed the FIR.

It is the case of the petitioner that from the prosecution story itself, it is clear that all the three persons were carrying bag on their head and from each bag, 13 kg '*ganja*' has been recovered/seized and in that background, even accepting the prosecution story, the petitioner was carrying 13 kg '*ganja*' which is below the commercial quantity of 20 kg, has remained in custody since 20.03.2023 (as stated in paragraph 16 of the bail application) and do not have criminal antecedent.

Learned APP for the State, on the other hand, opposes the prayer for bail stating that recovery is of 39 kg '*ganja*' and even going by the allegation from his bag, 13 kg '*ganja*' has been recovered.

Considering the submissions put forward by the learned Counsel for the petitioner, perusal of the seizure list from each bag of having 13 kg of '*ganja*', the story is that all the three accused persons were carrying bag on their head, remained in custody since 20.03.2023 and do not have criminal antecedent, this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing



bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned 1st Additional Sessions Judge cum Special Judge, Motihari, East Champaran in connection with N.D.P.S. Case No. 22 of 2023 arising out of Chhauradano (Mahuawa) P.S. Case No. 68 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 fortnight for next six months to mark 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 his 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 the bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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