

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62893 of 2021

Arising Out of PS. Case No.-149 Year-2021 Thana- SUPPI District- Sitamarhi

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INDRAJEET MAHTO @ INDRAJEET KUMAR Son of Late Chandeshwar
Mahto Resident of Village-Sonbarsa, P.S.-Sonbarsa, District-Sitamarhi.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR AND ANOTHER Biha
2. The Union of India through S.P. Sitamarhi Sitamarhi

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Alok Kumar Alok
For the State	:	Mr.Rita Verma
For the Union of India	:	Smt. Renuka Sharma
	:	Mr. Rajni Kant Singh
	:	Mr. Manish Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

10 23-01-2023 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in connection with Suppi

P.S. Case No. 149 of 2021 registered for the offences punishable

under Sections 8, 20(B)22, 23, 24 of NDPS Act.

As per prosecution case, two persons were coming

on a motorcycle from Manihari Chauk. While the informant

intercepted them, the driver of the said motorcycle fled away

and petitioner Indrajeet Mahto being the pillion rider was



apprehended. It is further alleged that 10 KG Ganja was recovered from his bag.

Learned counsel for the petitioner submits that petitioner is in custody since 06.08.2021. Petitioner bears four criminal antecedents in which he is on bail in all cases. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the petitioner is innocent and has committed no offence as alleged in the F.I.R. Petitioner is falsely implicated due to dirty village politics. The recovery is less than commercial quantity. Nothing has been recovered from the conscious possession of the petitioner. Learned counsel further submits that petitioner does not bear criminal antecedent of similar nature prior to present case.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner keeping in view criminal antecedent of petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of the parties, and also taking into consideration the material available



on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge NDPS Act, Sitamarhi in connection with Suppi P.S. Case No. 149 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) If the petitioner is found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(Alok Kumar Pandey, J)

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