

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63074 of 2021

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

=====

KASHI KUMAR So of Biltu Mahto Resident of Village- Orlahiya, P.S.-
Sahiyara, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The Union of India through S.P., Sitamarhi. Sitamarhi.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok
For the Opposite Party/s : Mr.Rita Verma

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

6 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 co-accused 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 07.09.2021. Petitioner bears no criminal antecedent. 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 not named in the F.I.R. Name of present petitioner has been surfaced on the basis of confessional statement of co-accused Indrajeet Mahto. Except confessional statement, there is nothing on record to demonstrate the complicity of the present petitioner. 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.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, petitioner is not named in the F.I.R., keeping in view clean antecedent of the petitioner, 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)

amitkr/-

U		T	
---	--	---	--

