

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54289 of 2023

Arising Out of PS. Case No.-155 Year-2023 Thana- GOPALGANJ TOWN District-
Gopalganj

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MANISH KUMAR SON OF LATE NAGINA MAHTO RESIDENT OF
VILLAGE/AT SADHU CHOWK WARD NO 5, P.S GOPALGANJ TOWN,
DISTRICT GOPALGANJ

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Javed Aslam

For the Opposite Party/s : Mr.Sunil Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-08-2023 Heard the parties.

2. The petitioner is in Judicial custody in connection with P.T. No. 229 of 2023, arising out of Gopalganj Town P.S. Case No. 155 of 2023, instituted under Sections 8(c) and 21(b) of the N.D.P.S. Act, lodged on 01.03.2023 by the informant, Dwarika Ram.

3. As per the prosecution story, the police apprehended the accused persons and so far as this petitioner is concerned, 12.45 gram of smack was recovered. Accordingly, the F.I.R.

4. It is the case of the petitioner that the police has implicated him only because he has criminal antecedent. It is further submitted that the even going through the allegation, the



alleged recovery is much below the commercial quantity.

5. Learned APP opposes the prayer for bail but concede that the alleged recovery is below the commercial quantity.

6. Considering the submissions put forward by learned counsel for the parties, the petitioner is in custody since 02.03.2023 (para 12 of the bail petition) and recovery of 12.45 gram is less than commercial quantity, this Court is inclined to grant him privilege of bail.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 20,000/-(Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court of District & Sessions Judge, Gopalganj, in connection with P.T. No. 229 of 2023, arising out of Gopalganj Town P.S. Case No. 155 of 2023, subject to 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 the 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.

(Rajiv Roy, J)

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