

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53790 of 2023

Arising Out of PS. Case No.-799 Year-2023 Thana- AHYAPUR District- Muzaffarpur

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KRISHNA RAY @ KRISHNA KUMAR SON OF LATE HIRALAL RAY @
HIRA RAY RESIDENT OF VILLAGE- MAKSUDPUR PS -JALALPUR
DIST- SARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. hubhesh Pandey, Advocate

For the Opposite Party/s : Mr. Zainul Abedin, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-08-2023 Heard the parties.

The petitioner is an accused in connection with Ahiyapur P.S. Case No. 799 of 2023 registered for the offences under sections 414 and 34 of the Indian Penal Code and sections 8(c) and 21(a) of the N.D.P.S. Act lodged on 26.06.2023 by the informant, Deepak Kumar.

As per the prosecution story, upon secret information, the accused persons were apprehended by the police and from the different accused persons, total 24.60 gms ‘smack’ has been recovered/seized followed by the FIR.

It is the case of the petitioner that so far as the petitioner is concerned, the recovery is 5.33 gms ‘smack’ which is just above the small quantity but much below the commercial



quantity, even the same has been attributed to him by the police, implicated him in the case because he has criminal antecedent.

Learned APP for the State, on the other hand, opposes the prayer for bail stating that altogether 24.6 gms ‘*smack*’ has been recovered.

Considering the fact that so far as the petitioner is concerned, the recovery is 5.33 gms., is in custody since 27.06.2023 (as stated in paragraph 17 of the petition), 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 Session Judge cum Special Judge, Muzaffarpur in connection with Ahiyapur P.S. Case No. 799 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 month for next one year 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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