

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.57289 of 2023**

Arising Out of PS. Case No.-163 Year-2021 Thana- MUZAFFARPUR TOWN District-  
Muzaffarpur

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RAJESH MAHTO @ RAJESH KUMAR MAHTO Son of Chandeshwar  
Mahto @ Batahu Mahto Resident of Village - Sahwajpur, P.S. - Ahiyapur,  
Distt. - Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Hari Kishore Thakur, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      31-08-2023                      Heard Mr. Hari Kishore Thakur, learned Counsel for  
  
the petitioner and Mr. Jitendra Kumar Singh, learned APP for  
  
the State.

The petitioner is an accused in connection with  
N.D.P.S. Case No. 18 of 2021 arising out of Town P.S. Case No.  
163 of 2021 registered for the offences under sections 20 and 22  
of the N.D.P.S. Act lodged on 01.03.2021 by the informant, Om  
Prakash.

As per the prosecution story, the allegation is that the  
police after chasing, apprehended this petitioner and  
recovered/seized 46 grams of ‘smack’ like substance.  
Accordingly, the FIR.

It is the case of the petitioner that he is a poor person



which reflects from the fact that he has remained in custody since 02.03.2021 (for 2 ½ years – as stated in paragraph 9 of the bail application) only because he had a criminal antecedent and police implicated him, in any case the recovery/seizure is below the commercial quantity.

Learned APP for the State, on the other hand, opposes the prayer for bail.

Taking into account the fact on the sole ground that the petitioner has remained in custody for 2 ½ years (02.03.2021), the recovery/seizure is below the commercial quantity, 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 1<sup>st</sup> Additional Sessions Judge, Muzaffarpur in connection with N.D.P.S. Case No. 18 of 2021 arising out of Town P.S. Case No. 163 of 2021, 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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