

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60140 of 2023

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

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ARJUN PRASAD S/o Krishna Prasad R/o-Vill.-G.S. Bangra @ G.A. Bangra,
P.S.-Jalalpur, District-Saran at Chhapra.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 06-09-2023 Heard the parties.

2. The petitioner is in judicial custody in connection with Ahiyapur P.S. Case No. 799 of 2023 for the offence punishable under Sections 414 IPC/34 and 8(c)/21(a) of the N.D.P.S. Act lodged on 26.6.2023 by the informant, Deepak Kumar.

3. As per the prosecution story, the police intercepted the accused persons with motorcycle and so far as this petitioner is concerned, the allegation is that from him 15 pouches of smack weighing 6.15 gms., a knife and a mobile were recovered. This led to his arrest also other co-accused.

4. It is the case of the petitioner that he has already suffered by being in custody since 27.6.2023 (para-17 of the petition) only because the police has implicated him and in any



case, the recovered quantity is below the commercial one.

5. Learned APP opposes the prayer for bail.

6. Taking into account the aforesaid submission put forward by the parties, the recovery is 6.15 grams in 15 pouches which is below the commercial quantity and is in custody since 27.6.2023, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Sessions 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 fortnight for next six months to mark his 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 his bail bonds.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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