

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 60342 of 2022**

Arising Out of PS. Case No.-32 Year-2021 Thana- GADHPURA District- Begusarai

RAM KUMAR MAHTO @ RAMU Son of Late Sonelal Mahto Resident of
village - Malipur, Tola - Sundarban, P.S.- Garhpura, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Braj Bhushan Poddar, Advocate
For the Opposite Party/s : Mr Ashok Kumar Singh, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 25-01-2023

Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for brevity, **APP**) appearing for the State of Bihar.

The petitioner seeks bail in Gadhpura Police Station (for brevity, **PS**) Case No 32 of 2021 dated 20.03.2021 registered for the offence punishable under Sections 17/18 of Narcotic Drugs and Psychotropic Substances (for brevity, **NDPS**) Act, 1985.

It is alleged that the petitioner was cultivating opium plants in the field of co-accused Md Zakir Hussain. The police have allegedly found 25 plants. First Information Report (for brevity, **FIR**) further alleges that the plants have been destroyed by burning.

Learned counsel for the petitioner submits that even as per the FIR. land belongs to co-accused Md Zakir Hussain. The informant has also found other brinjal plants being grown in the field. The petitioner was a cultivator labourer and has been victimized. Even as per the case, the seized plants are not in existence and the same has been burnt. Petitioner has no criminal antecedent and he is in custody since 11.10.2021.



Learned APP has opposed the prayer for bail.

Having considered the rival submissions, period of custody as well as the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge I, Begusarai in NDPS Case No 5 of 2021 arising out of Gadhpura PS Case No 32 of 2021 dated 20.03.2021 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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