

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 68697 of 2023

Arising Out of PS. Case No.-231 Year-2023 Thana- MITHANPURA District- Muzaffarpur

Ritik Kumar S/O Raju Paswan R/O Mohalla-Mithanpura Lala, Paswan Tola,
Ward No. 49, P.S.-Mithanpura, District.-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raju Kumar, Adv.

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 19-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Mithanpura P.S. Case No. 231 of 2023 dated 01.06.2023, lodged under Section 414 of the I.P.C. read with Sections 8(c) & 21(b) of the N.D.P.S. Act.

3. As per the prosecution case, the F.I.R. has been lodged against three named accused persons including the petitioner. The total recovery of 8 gm smack (20 packet) has been made from the possession of the petitioner, which is the subject matter of the present case.

4. Learned counsel for the petitioner submits that the quantity recovered from the possession of the petitioner is little bit more than the smaller quantity but much less than the

commercial quantity. Counsel submits that the antecedent of the petitioner is clean and he is in custody since 01.06.2023. Counsel further submits that the other co-accused person has been granted bail by the Co-ordinate Bench of this Court vide order dated 11.10.2023 passed in Cr. Misc. No. 64763 of 2023.

5. Learned A.P.P. for the State opposes the prayer for bail and submits that it is true that the petitioner have no criminal antecedent but the recovery of 8 gm smack (20 packet) has been made from his possession.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail only after framing of charge on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Special Judge-cum-Additional Sessions Judge- XIth, Muzaffarpur in connection with Mithanpura P.S. Case No. 231 of 2023, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other 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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for 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 evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(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.

7. With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

sadique/-

U		T	
---	--	---	--