

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.68629 of 2022**

Arising Out of PS. Case No.-286 Year-2021 Thana- KAJI MUHAMMADPUR District-  
Muzaffarpur

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Ajay Kumar, Son of Late Mahesh Prasad, Resident of village - Durga Asthan  
Sadpura, P.S. - Kaji Mohammadpur, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with  
**CRIMINAL MISCELLANEOUS No. 70241 of 2022**

Arising Out of PS. Case No.-286 Year-2021 Thana- KAJI MUHAMMADPUR District-  
Muzaffarpur

=====

Vikram Kumar, S/o Ajay Kumar R/v- Durga Asthan Sadpura, P.S.- Kaji  
Mohammadpur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

(In CRIMINAL MISCELLANEOUS No. 68629 of 2022)

For the Petitioner/s : Mr. Saket Gupta, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

(In CRIMINAL MISCELLANEOUS No. 70241 of 2022)

For the Petitioner/s : Mr. Saket Gupta, Advocate

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

8      13-10-2023                      Heard learned senior counsel for the petitioners and  
learned APP for the State.

2. The petitioners seeks regular bail in connection  
with Kaji Mohammadpur P.S. Case No. 286 of 2021 (CIS  
N.D.P.S Case No. 142/2021), lodged on 04.10.2021 under  
Section 21(b) of N.D.P.S. Act.



3. As per the prosecution case, the recovery of total 52 grams of smack was alleged to be made from the possession of petitioner Ajay Kumar where as recovery of 104 grams of smack was alleged to be made from the possession of petitioner Vikram Kumar is the subject matter of the present case.

4. Learned senior counsel for the petitioners submits that earlier vide order dated 16.09.2022 passed in Cr. Misc. No. 28885 of 2022 and Cr. Misc. No. 30363 of 2022, the bail application of the petitioners has been rejected with observation that they may renew their prayer for bail after one year of framing of charge. Learned senior counsel submits that it is true that present bail application has been filed prior to lapse of one year, but vide order dated 19.04.2023, this Hon'ble Court has directed to fix this case on 11.10.2023, when the petitioners become eligible. Learned senior counsel has produced the certified copy of the entire order sheet by which it transpires that charge has been framed on 14.10.2022. He further submits that the petitioners are in custody since 05.10.2021.

5. Learned APP for the State is present and submits that it is true that charge has been framed but he opposes the prayer for bail of the petitioners.

6. In the present facts and circumstances of this case



and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned 1<sup>st</sup> Additional District & Sessions Judge, Muzaffarpur in connection with Kaji Mohammadpur P.S. Case No. 286 of 2021 (CIS N.D.P.S. Case No. 142 of 2021), subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the following conditions:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his *bona fide*;

(ii) the petitioners 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 petitioners shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioners 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 petitioners 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.

**(Dr. Anshuman, J.)**

Divyansh/-

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