

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74752 of 2023

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

1. Abhishek Kumar Son of Suresh Rai Resident Of Village- Bajitpur (Turkwalia Tola), Ps- Muffasil Dist- Saran
2. Sonu Kumar Son of Sila Nath Sah Resident Of Village- Noor Nagar Ps- Jalalpur Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 02-12-2023 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Ahiyapur P.S. case No. 799 of 2023 instituted for the offences under Sections 414/34 of the Indian Penal Code and Section 8(c)/21(a) of the N.D.P.S. Act.

3. Prosecution story, in short, is that total 6.97 grams smack like substance was recovered from each of the petitioners (as per the F.I.R.) but on recalculation total 6.97 grams of smack was recovered from petitioner no.1 whereas total 6.15 grams smack was recovered from petitioner no.2 (as per paragraph-8 of the petition).



4. It has been submitted on behalf of the petitioners that the petitioners are in custody since 27.06.2023. Petitioner no.1 is accused in several other cases but not of similar nature whereas petitioner no. 2 has no criminal antecedent. The petitioners have falsely been implicated in the present case. He further submitted that the recovered contraband is little more than the small quantity. The other co-accused person has already been granted bail by the co-ordinate Bench of this Court vide order dated 06.09.2023 passed in Cr. Misc. No. 60140 of 2023.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances of the case, and also the period of custody undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

7. Let the petitioners be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Ahiyapur P.S. case No. 799 of 2023 subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date



fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Alok Verma/-

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

