

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70363 of 2022**

Arising Out of PS. Case No.-733 Year-2022 Thana- AHYAPUR District- Muzaffarpur

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MUKESH KUMAR S/o Pawan Kumar Yadav @ Pawan Kumar Ray R/v-
Damodarpur, P.S.- Ahiyapur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 72923 of 2022

Arising Out of PS. Case No.-733 Year-2022 Thana- AHYAPUR District- Muzaffarpur

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RANDHIR KUMAR YADAV @ RANDHIR KUMAR S/o Rajendra Prasad
Yadav R/o Village- Damodarpur, P.S.- Ahiyapur, Distt- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 70363 of 2022)

For the Petitioner/s : Mr.Hari Kishore Thakur, Adv.

For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

(In CRIMINAL MISCELLANEOUS No. 72923 of 2022)

For the Petitioner/s : Mr.Hari Kishore Thakur, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 23-06-2023 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

The petitioners seek bail in connection with N.D.P.S.
Case No. 202 of 2022 arising out of Ahiyapur P.S. Case No. 733 of
2022 registered for the offence under Sections 8(c) and 21(b) of
the N.D.P.S. Act.

Recovery is of altogether 11.70 gram smack.



Learned counsel appearing for the petitioners submits that the petitioners, who are of clean antecedent, are innocent and have falsely been implicated in this case. He further submits that it appears from the F.I.R. and the seizure list that 5.40 gram of smack has been recovered from the possession of petitioner, namely, Mukesh Kumar and 6.30 gram of smack has been recovered from the possession of petitioner, namely, Randhir Kumar Yadav. He further submits that the police without obtaining the F.S.L. report has submitted charge sheet in this case against the petitioners on 30.09.2022. He further submits that the recovered article does not come under the purview of commercial quantity, therefore, this is no bar to this Court for granting bail to the petitioners. The petitioners are rotting in judicial custody since 22.08.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the, above named, petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-III, Muzaffarpur in connection with N.D.P.S. Case No. 202 of 2022 arising out of Ahiyapur P.S. Case No. 733 of 2022 with the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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