

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73299 of 2023

Arising Out of PS. Case No.-294 Year-2023 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

MD TAIYAB S/O MD. SAHID VILLAGE- MADUDABAD, PS.
MOHINUDDIN NAGAR, DIST. SAMASTIPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Vaishnavi Singh, Adv

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-11-2023 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks regular bail in connection with Samastipur Muffasil P.S. Case No. 294 of 2023, registered for the offence punishable under sections 399, 402, 411 and 414 of the Indian Penal Code and sections 8, 20(b)(II)B of the NDPS Act and sections 25(1-b)a, 26, 35 of the Arms Act.

3. As per the prosecution story, in the course of checking of the vehicles, the police found two motorcycles coming from Musrigharari at a high speed. As police tried to intercept, they tried to escape; however, police managed to apprehend some of the accused persons, the petitioner being one of them. Further, upon search of this petitioner, 3 kg *Ganja* in 4 pockets were



recovered/seized. The total recovery from the other accused persons goes up to 12.5 kg *Ganja* along with some cash. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the police has implicated him in this case despite the fact that he do not have criminal antecedent. Further, even going by the allegation, recovery/seizure is 3 kg, which is much below the commercial quantity. Further, the total recovery is 12.5 kg, which is again below the commercial quantity and has already suffered by being in custody since 10.6.2023 (para-19 of the petition).

5. Learned APP for the State opposes the prayer for bail and submits that there is recovery from him of 3 Kg *Ganja*.

6. Taking into account the submissions put forward by the learned counsel for the petitioner as also the fact that the recovered/seized quantities below the commercial, has remained in his custody since 10.06.2023 and he do not have criminal antecedent, this Court is inclined to extend him privilege of bail.

7. Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Spl. Judge, NDPS, Samastipur in connection with Samastipur Muffasil P.S.



Case No. 294 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her 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/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(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.

(Rajiv Roy, J)

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