

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39260 of 2023

Arising Out of PS. Case No.-116 Year-2022 Thana- BELA District- Sitamarhi

MD. HASIM LAHERI @ HASIM LAHERI S/O LATE HABIB LAHERI
R/O Vill. Husena @ Husaina, PS. Sitamarhi, Dist. Sitamarhi

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 42928 of 2023

Arising Out of PS. Case No.-116 Year-2022 Thana- BELA District- Sitamarhi

DEEP NARAYAN MAHTO @ DIPU @ DIPAK @ BATLA SON OF
ACHHELAL MAHTO R/O VILLAGE- BHATUADIH @ BAATUADIH @
BHALHI, PS- BATHNAHA, DIST- SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 39260 of 2023)
For the Petitioner/s : Mr.Santosh Kumar
For the Opposite Party/s : Mr.Surendra Kumar
(In CRIMINAL MISCELLANEOUS No. 42928 of 2023)
For the Petitioner/s : Mr.Santosh Kumar
For the Opposite Party/s : Mr.Vinod Shanker Modi

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

9 03-05-2024 Heard learned counsel for the petitioners and learned
A.P.P for the State.

2. The petitioners have preferred this application for
grant of regular bail in connection with NDPS Case Reg No. 07
of 2022, Trial No. 89 of 2022 arising out of Bela P.S. Case No.



116 of 2022 dated 06.05.2022 registered for the offences punishable u/ss 399, 402, 414 of the Indian Penal Code and section 25(1-b)a, 26 and 35 of the Arms Act and 8/20(B) (ii) (C) / 22 NDPS Act.

3. As per the prosecution case, one loaded country made pistol, a loaded magazine having four live cartridges, one kg Charas, an empty magazine, two mobiles and one motorcycles were recovered from the possession of the petitioner, Md. Hasim Laheri. One country made Katta, two live cartridges, 1 kg Charas and one mobile phone were recovered from the possession of the Petitioner, Deep Narayan Mahto. One loaded country made pistol, two live cartridges and mobile phone were recovered from the possession of the co-accused, Md. Sadik. One mobile phone was recovered from the possession of the co-accused, Santosh Kumar.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. No incriminating material has been recovered from the conscious possession of the petitioners. The petitioners have 11 other criminal antecedents as stated in para 3 of the bail petition. The petitioners are in custody since 06.05.2022.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners and submitted that



the seized contraband is commercial quantity i.e. one kg. Charas.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioners above-named, are directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Court concerned, Sitamarhi in connection with NDPS Case Reg No. 07 of 2022, Trial No. 89 of 2022 arising out of Bela P.S. Case No. 116 of 2022, with the condition/s:-

(i). The petitioners are directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioners are liable to cancelled.

(ii). If the petitioners are found involved in similar nature of offence in future, the prosecution will be at liberty to move for cancellation of their bail bonds.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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