

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54262 of 2024

Arising Out of PS. Case No.-1 Year-2024 Thana- MOHIUDDIN NAGAR District-
Samastipur

SUBODH KUMAR S/O CHANDESHWAR MALAKAR R/O VILLAGE-
SIMARI, P.S- VIDYAPATI NAGAR, DISTT.- SAMASTIPUR.

... .. Petitioner/s
Versus
THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :
For the Petitioner/s : Mr.Satyaveer Jha, Advocate
For the Opposite Party/s : Mr.Dilip Kumar No. 1, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 02-08-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Mohiuddinnagar P.S. Case No. 01 of 2024 instituted for the
offences under Sections 399, 401, 402, 414 of the Indian Penal
Code and Sections 25(1-B)a, 26 and 35 of the Arms Act.

3. Prosecution case, in short, is that there is a recovery
of one mobile phone, one knife and 2 Kg. *ganja* from the
petitioner.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case. No
incriminating article has been recovered from the conscious
possession of the petitioner. Learned counsel further submitted



that petitioner was not present at the place of occurrence. Learned counsel further submitted that petitioner has got no concern with the recovered articles. Learned counsel further submitted that recovered contraband is less than the commercial quantity, hence, Section 37 of the NDPS Act is not applicable in the present case. There is no compliance of Section 42 and 50 of the NDPS Act. The co-accused person has already been granted bail by this Bench vide order dated 08.04.2024 passed in Cr. Misc. No. 24056 of 2024. It has been submitted on behalf of the petitioner that the petitioner is in custody since 01.01.2024 and has five criminal antecedents.

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

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

7. Let the petitioner 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 Mohiuddinnagar P.S. Case No. 01 of 2024, 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.

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

(Rudra Prakash Mishra, J)

Alok Verma/-

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