

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60150 of 2024

Arising Out of PS. Case No.-315 Year-2024 Thana- SAUR BAZAR District- Saharsa

Mithun kumar @ Mithun paswan Son of Late Vidyanand Paswan R/V-
Village- Samda, Ward No. 13, P.S.- Sour Bazar, Distt.- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha, Advocate

For the Opposite Party/s : Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-09-2024 Heard Mr. Binod Kumar Sinha, learned counsel for
the petitioner and Dr. Indihar Kumari, learned APP for the
State.

2. The petitioner is apprehending his arrest in
connection with Sour Bazar P.S. Case No. 315 of 2024, F.I.R.
dated 09.05.2024 registered for the offences punishable under
Sections 8/20(b)(ii)(a) of the N.D.P.S. Act, 1985.

3. The case relates to recovery of 410 grams of *ganja*.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely
implicated in the present case. He further submits that the
allegation as alleged in the F.I.R. is false and fabricated and the
petitioner has not committed any offence as alleged in the F.I.R.
He further submits that as per allegation in the F.I.R. that the



petitioner has thrown 410 grams of *ganja* which was recovered from the mango orchard and the name of the petitioner has been transpired on the basis of the disclosure made by local people.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedents and the name of the petitioner has been transpired on the basis of disclosure made by local people, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Saharsa in connection with Sour Bazar P.S. Case No. 315 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.



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

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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