

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83776 of 2024

Arising Out of PS. Case No.-262 Year-2024 Thana- HARLAKHI District- Madhubani

Radhey Mahto @ Radhe Mahto Son of Ram Sundar Prasad R/O Village -
Pipraun , P.s.- Harlakhi, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash, Adv.

For the Opposite Party/s : Mrs. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 05-12-2024 Heard Mr. Gagan Deo Yadav, learned counsel for the
petitioner and Mrs. Asha Kumari, learned APP.

2. The petitioner is in custody in connection with Harlakhi P.S. Case No. 262 of 2024 for the offence punishable under sections 20 and 22 of the Indian Penal Code lodged on 08.10.2024 by the informant, Vasdev.

3. As per the prosecution story, the informant alleged that during checking of the vehicle, a motorcycle with a bag was seen going from India to Nepal and upon search, there is recovery of Syrup (100ml each) 30 NOS bottles (ii) NITRA JEPAN Tablets (iii) TVS RADEON. This led to the FIR/arrest as the petitioner failed to provide any document.

4. It is the case of the petitioner he is an aged person, had no role to play in the matter, the motorcycle does not belong



to him but got implicated. Further, even going by the seizure, which comes to 300 mg (cough syrup) and 500 mg (tablets), is below the commercial quantity of 1 kg envisaged under NDPS Act.

5. Learned APP, on the other hand submits that the petitioner failed to provide the document upon inquiry, though he concede that it is below the commercial quantity.

6. Taking into account the aforesaid facts as also that it is below the commercial quantity, is in custody since 09.10.2024, does not own the motorcycle nor has criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Principal Sessions Judge, Madhubani in connection with Harlakhi P.S. Case No. 262 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative 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 bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for one year to mark his 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 the 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 his bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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