

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84647 of 2024

Arising Out of PS. Case No.-86 Year-2024 Thana- Sikandarpur District- Muzaffarpur

Deepak Mahto @ Deepak Kumar Son of Jaleshwar Mahto Resident of Mohalla -Akharghat Karpuri Nagar, Ward no 15, Ps- Sikandarpur op, District -Muzaffarpur

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Home, Narcotic Drugs Control Bureau, New Delhi
2. The State of Bihar through the Dept. of Narcotic Drugs control Bureau, Patna, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Brajesh Kumar Singh, Advocate
	:	Mr. Sumit Kumar, Advocate
	:	Mr. Aditya Kumar Pandey, Advocate
For the State	:	Mr. Rajiv Nayan, APP
For the UOI	:	Mr. Krishna Nandan Singh, (A.S.G)

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-12-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Sikandarpur P.S. Case No. 86 of 2024 for the offences punishable under Sections 8(c) and 21(b) of the Narcotic Drugs and Psychotropic Substances Act, lodged on 29.08.2024 by the informant, Dilip Kumar Shashi.

3. As per the prosecution story, the informant alleged that on secret information it rushed to the house of Mitthu Sahni and there is recovery/seizure of 12.57 gram of smack like substance. Further, upon raiding the house of this petitioner, there is another recovery of 15.85 gram of smack like substance. This led to the F.I.R.



4. Learned counsel for the petitioner submits that only because of criminal antecedent, he has been implicated, is in custody since 30.08.2024, has no role to play in the matter, in any case it is below the commercial quantity of 250 gram envisaged under the N.D.P.S. Act, 1985 and further, granted bail and found indulge in same activity, the prosecution shall be free to take recourse for cancellation of bail.

5. Learned APP for the State as also the learned counsel appearing on behalf of Union of India opposes the prayer submitting that he has criminal antecedent though they concede that it is below the commercial quantity.

6. Taking into account the aforesaid facts as also the recovery/seizure is of 15.85 gram which is below the commercial quantity, an undertaking has been given that he shall be diligently appearing in trial and if found in any further criminal act, the State shall take immediate steps for cancellation of his bail bond, in that background, this Court is inclined to extend him the privilege of bail.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty thousand) with two sureties of like amount each to the satisfaction of learned Special Judge, Exclusive Special Court No.-1, N.D.P.S. Muzaffarpur in connection with Sikandarpur P.S. Case No. 86 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 *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court 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 next 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 bail bonds.

(Rajiv Roy, J)

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