

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88587 of 2024

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

Mithu Sahani S/o- Late Dhyan Sahani, R/o Mohalla- Sikandarpur, Ward No-12, PS- Sikandarpur, Dist- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Krishna Chandra Ojha, Advocate
For the Opposite Party/s : Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-02-2025 Heard Mr. Krishna Chandra Ojha, learned counsel
for the petitioner and Mr. Shantanu Kumar, learned Additional
Public Prosecutor for the State.

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

3. As per the prosecution story, after receiving confidential information, the informant rushed to the house of the petitioner and from there, recovered 12.57 grams of smack like substance. It is further alleged that upon raiding the house of one Deepak Kumar, there is another recovery of 15.85 grams of smack like substance.

4. Learned counsel for the petitioner submits that



merely on the basis 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 grams envisaged under the N.D.P.S. Act, 1985 and further, granted bail and found indulged in the same activity, the prosecution shall be free to take recourse for cancellation of bail.

5. Learned Additional Public Prosecutor for the State on the other hand opposes the prayer submitting that he has criminal antecedent, though he concedes that the quantity of recovered contraband is below the commercial quantity.

6. Taking into account the aforesaid facts and also the facts that recovery / seizure is of 12.57 grams, which is below the commercial quantity and an undertaking has been given that he shall be diligently appearing in the 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, above named, be released on bail on furnishing bail bond of Rs. 20,000/- (rupees twenty thousand only) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge, NDPS, 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 is 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 the next six months to mark his attendance;

(iv) the petitioner shall, in no way, try to induce or promise or threat the witnesses or tamper with the evidence, 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)

Shahnawaz/-

U		T	
---	--	---	--

