

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53008 of 2017

Arising Out of PS.Case No. -238 Year- 2017 Thana -ALAMGANJ District- PATNA

=====

1. Sanni Kumar, Son of Munna Yadav, Resident of Belbarganj, P.S.-
Alamganj, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Raj Bansh Dubey, Adv.

For the Opposite Party/s : Mr. Md. Sufiyan, APP

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 17-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Spl. NDPS
Case No. 88 of 2017 arising out of Alamganj P.S. Case No. 238 of
2017 for offences punishable under Sections 399, 402 of the
Indian Penal Code and Sections 25 (1-b)a, 26, 35 of the Arms Act
and Sections 20/22 of the NDPS Act.

The prosecution case, as lodged by the police personnel
is that on secret tip off that some miscreants were making plan to
commit crime, police apprehended three persons and from the
possession of the petitioner, one country made pistol and five live
cartridges were recovered. Whereas, from the possession of other



co-accused arms and ammunitions, cartridges and even ½ kg. of Ganja were recovered. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that no overt act has been committed by the petitioner and that he is languishing in judicial custody since 21.06.2017. Charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and is involved in one more case of serious nature, however, he is on bail in that case.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge/Special Judge, Patna, in connection with Special P.S. Case No. 88 of 2017 arising out of Ajamganj P.S. Case No. 238 of 2017 subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable



property within the jurisdiction of the concerned police station, who will file an affidavit stating his relationship with the petitioner and that petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds. It is also made clear that if the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

sushma/-

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

