

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40911 of 2018

Arising Out of PS. Case No.-55 Year-2018 Thana- GOPALPUR District- Patna

Nitin Kumar, Son of Ganesh Saw, Resident of Village- Raghapur Shrirampur, Police Station- Fateahpur, District- Vaishali, presently residing at Ramkrishna Nagar, South L.P. Shahi College, Fakirchand Path, Police Station- Ramkrishna Nagar, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Jha

For the Opposite Party/s : Mr. Harendra Prasad

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 11-07-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Special Case No. 21 of 2018, arising out of Gopalpur P.S. Case No. 55 of 2018 for offences punishable under Sections 25(1-b)/a/26/35 of the Arms Act and Sections 20/22 of the N.D.P.S. Act.

The prosecution case, as lodged by the police personnel, is that during course of vehicle checking they intercepted a motorcycle and apprehended the petitioner along with two others, while from the possession of other two co-accused country-made loaded pistol along with live cartridges were found but from the possession of the petitioner 2 kg of ganja was 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 altogether three persons including the petitioner were apprehended along with 2 kg of ganja and no arms was recovered from his possession, as such, the provisions under the Arms Act is not applicable against him. He further submits that the charge-sheet has already been submitted and he is languishing in judicial custody since 26.03.2018.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and one more case under the Excise and Prohibition Act is pending against him.

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-cum-Special Judge, Patna in connection with Special Case No. 21 of 2018, arising out of Gopalpur P.S. Case No. 55 of 2018 , subject to the following conditions :

- (i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who



will file an affidavit stating his relationship with the petitioner.

- (ii) 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.
- (iii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

Rajesh/Pragya

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