

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1254 of 2018

Arising Out of PS.Case No. -284 Year- 2017 Thana -ALAMGANJ District- PATNA

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1. Chandan Kumar @ Chandan Gope, Son of Prakash Yadav @ Roshan Gope, resident of Village Belbarganj, P.S. Alamganj, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Bansh Dubey

For the Opposite Party/s : Mr. Awadhesh Kumar Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 15-02-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since 25.07.2017 in connection with Special Case No. 105/2017, arising out of Alamganj P.S. Case No. 284 of 2017 for offences punishable under Sections 25(1-b) A, 26, 35 of the Arms Act and 20/22 of the N.D.P.S. Act.

The prosecution case, as lodged by the police personnel, is that on information the petitioner along with others were apprehended and from the possession of the petitioner one automatic pistol with six live cartridges was recovered along with cash of Rs. 5,000/- and a motorcycle. Accordingly, a seizure-list



was prepared. However, ½ kg ganja was recovered under a pillow on which co-accused Mithilesh Gope was sleeping.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and no case under the NDPS Act is made out against him as no contraband item was recovered from the possession of the petitioner. He submits that no overt act has been alleged against him and charge-sheet has already been submitted. It is further submitted that one of the co-accused on similar allegation has been granted privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 56410 of 2017 vide order dated 15.12.2017.

However, learned APP for the State opposes the prayer for bail.

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 Addl. District Judge-IIIrd cum Special Judge (N.D.P.S.), Patna, in connection with Special Case No. 105/2017, arising out of Alamganj P.S. Case No. 284 of 2017, subject to the condition that 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.

(Nilu Agrawal, J)

Rajesh/-

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