

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9464 of 2019

Arising Out of PS. Case No.-397 Year-2018 Thana- RUPASPUR District- Patna

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BHIRGU RAI Son of Late Naubat Rai Resident of Village - Khaspur, P.S.-
Maner, District – Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Binod Kumar Labh, Adv
	:	Mrs. Kumari Archana, Adv.
	:	Mr. Lal Bahadur Pd., Adv.
For the Opposite Party/s :		Mr.Surendra Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 19-02-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail in
connection with Special (N.D.P.S.) Case arising out of Rupaspur
P.S. Case No. 397 of 2018 registered for the offence punishable
under Sections 20/22 of N.D.P.S., U/s 399/402/379/411 of the
Indian Penal Code & Section 25(1-b)a/26/35 of Arms Act.

Allegation against petitioner is that he was driver of
the Hero Glamour motorcycle and one another person who was
pillion rider. Allegation against petitioner is that during search
arms was recovered from his possession and 200 gm ganja was
recovered from another motorcycle on which co-accused were
sitting.



It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case. It has been further submitted that nothing has been recovered from the possession of petitioner. Arms was recovered from the possession of co-accused Amarjeet Kumar and the Ganja was recovered from the dickey of other motorcycle. It has been further submitted that co-accused, namely Lallu Kumar has been granted bail by this Hon'ble Court as contained in Annexure-2. Other co-accused, namely Sintu Kumar has been granted bail by this Hon'ble Court vide order dated 04.02.2019 passed in Cr. Misc. No. 6054 of 2019. Petitioner has no criminal antecedent and he is in custody since 15.09.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge/Spl. Judge, Patna, in connection with Special (N.D.P.S.) Case arising out of Rupaspur P.S. Case No. 397 of 2018 subject to the conditions that:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and his absence on two



consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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