

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10084 of 2019

Arising Out of PS. Case No.-216 Year-2016 Thana- CHHATAUNI District- East Champaran

AVINASH KUMAR PASWAN @ DEEPAK PASWAN S/o Late Mahadeo
Paswan @ Mahadeo Ram Mohalla-Committee Chowk, P.S-Muffasil,
Motihari, district- East champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dilip Kumar Tondon, Adv.

For the Opposite Party/s : Mr.Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
03.08.2018 in a case registered for the offence punishable
under Sections 399, 402, 120B/34 of the Indian Penal Code
and Section 20(b),22 of the NDPS Act.

It is alleged that after having received a secret
information that some miscreants have gathered with an
intention to commit dacoity, a raid was laid when seven
accused persons were apprehended. The apprehended co-
accused Lakhan Kumar disclosed the name of the petitioner
along with three other co-accused persons as their associates.
It is further alleged that on frisking, from the possession of co-



accused, Md. Ali, one country made pistol, cartridge and a mobile phone has been recovered, from the possession of co-accused Kunal Kumar @ Bambam, one loaded country made pistol and a mobile phone has been recovered, from the possession of co-accused, Vikash Kumar Patel, 200 grams of 'Ganja' and from the possession of co-accused Lakhan Kumar, one mobile phone have been recovered.

It is submitted by learned counsel for the petitioner that admittedly there is no recovery from the conscious physical possession of the petitioner and the investigation has already been concluded. It is further submitted that though the petitioner is accused in eight other cases, apart from the present case, but in all those cases he is on bail. A statement to that effect has been made in paragraph no.3 of the petition.

Learned APP for the State submits that the petitioner escaped from the scene on arrival of the police.

Considering the fact that the materials on record does not suggest that the recovery has been made from the conscious physical possession of the petitioner and the investigation already being concluded, let the above named petitioner be released 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, Motihari, East Champaran, in connection with NDPS Case No.27 of 2017, arising out of Chhatauni P.S. Case No. 216 of 2016.

Since the petitioner is having criminal antecedent, learned Court below will be at liberty to cancel the bail bonds of the petitioner, if he defaults for three consecutive occasions or gets involved in some serious nature of offence.

(Dinesh Kumar Singh, J)

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