

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9946 of 2020

Arising Out of PS. Case No.-515 Year-2019 Thana- JAYNAGAR District- Madhubani

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KAPIL KUMAR KARN Son of Devnandan Lal Karn Resident of Khajauli
Beta, P.S. - Khajauli, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravindra Kumar Singh

For the Opposite Party/s : Mr.Anand Kishore Choudhary

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

5 04-11-2020 As of now, the Courts have not resumed normal physical
hearing. The matter has been listed today for consideration
through Video Conferencing.

Learned counsel are appearing and making submissions
from their residence. The Court master and Secretary are also
part of this virtual Court proceedings with the aid of audio
visual technology.

Mr. Anand Kishore Choudhary, learned APP, is appearing
as it is submitted that the brief has been allotted to him by the
office of Advocate General. His name may also be printed in the
cause list.

Heard learned counsel for the petitioner and learned APP
for the State.

Learned counsel for the petitioner is expected to honor his
undertaking given in the instant case for depositing the requisite



court fee and to remove the defects as pointed out by office when called upon.

The petitioner seeks bail in Jainagar P.S. Case no. 515 of 2019 instituted for the offence under Section 290 of the Indian Penal Code, Sections 37(B) & (C) of the Bihar Prohibition and Excise (Amendment) Act, 2016 , Sections 25(1-B)A and 26 of the Arms Act and Sections 20 and 22 of the N.D.P.S. Act.

Two country made pistols are alleged to have been recovered from the petitioner's possession. Petitioner is said to be in an inebriated condition and 23 kgs of '*Ganja*' has been recovered.

It is submitted by the petitioner's counsel that petitioner has been falsely implicated in the instant case. He has no criminal antecedents and implication is to coerce the petitioner to vacate the rented premises which he has been kept as a tenant since long. The falsity is evident from the fact that two country made pistols have allegedly been recovered, but no cartridge or ammunition has been recovered. It is further submitted that country made pistols were planted for extraneous consideration. The recovery of 23 kgs of '*Ganja*', even as per the seizure list, is from outside the building, though within the premises of the landlord. Many tenants are living in the building and, therefore,



the petitioner cannot be attributed with the said recovery from outside the building.

The petitioner is in custody since 19.10.2019.

The learned APP has opposed the prayer for bail.

Considering the aforesaid, let the petitioner, above named, 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 the District and Sessions Judge, Madhubani, Dist. Madhubani in connection with Jainagar P.S. Case no. 515 of 2019, G.R. No. 27 of 2019 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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