

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.26254 of 2020**

Arising Out of PS. Case No.-22 Year-2020 Thana- BALIGAON District- Vaishali

RAHUL KUMAR Son of Narayan Paswan Resident of Village - Keshopur,
P.S.- Sakra, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vasant Vikas, Adv.

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 09-11-2020 Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Baligaon P.S. Case No.22 of 2020 registered for the offence under Sections 25(1-b)a, 26 of the Arms Act and Sections 20, 22 and 23 of the NDPS Act.

Learned counsel for the petitioner submits that as per the allegations the petitioner has been arrested with a country made pistol and two live cartridges. It is also alleged that 200 gms of substance akin to Charas (like Charas) was recovered from the possession of the petitioner.

Learned counsel submits that the petitioner has no criminal antecedent and he is in custody since 18.03.2020. As regards the recovery of substance like Charas, learned counsel submits that



the police officer who has arrested the petitioner has not followed the safeguards provided under the NDPS Act to an accused. It is submitted that the petitioner was brought to police station, there was no sampling of the substance like Charas as alleged, the said substance was sent to 'Malkhana' and after a substantial period of about a month the supervising authority issued direction to send the said substance to the forensic science laboratory for examination, again after a month the sampling was done and then it was returned to the I.O. but the case diary does not show that before submission of the charge-sheet the report of the forensic science laboratory was obtained. The quantity as alleged is not a commercial quantity.

On the other hand, learned APP for the State has though opposed the prayer for regular bail of the petitioner, having considered the submissions of learned counsel for the petitioner as mentioned hereinabove, this Court directs release of the petitioner on bail on furnishing bail bond of Rs.25,000 (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned District & Sessions Judge, Vaishali at Hajipur in connection with Baligaon P.S. Case No.22 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission



of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

