

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21712 of 2020

Arising Out of PS. Case No.-306 Year-2019 Thana- KATIHAR MUFFASIL District- Katihar

HEMANT PASWAN @ HEMANT KUMAR PASWAN Son of Sajjan
Paswan @ Sajan Paswan Resident of Ram Sabha Gousala, P.S.- Sahayak
Katihar, District - Katihar

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanchay Srivastava
For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 06-07-2020 As of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through Video Conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Heard learned Counsel for the petitioner and the learned Counsel for the State.

Petitioner seeks bail in Katihar Muffasil PS Case No. 306 of 2019 registered under Section 25(1-b)A, 26 and 35 of the Arms Act and Section 21(b) of the NDPS Act.

The allegation is that acting on secret information the petitioner along with co-accused has been apprehended. From the possession of the petitioner, as per seizure list, there is recovery of a country made pistol and a magazine. Certain SIM cards have also been recovered from the petitioner.

Learned Counsel for the petitioner submits that it is a case of false implication. The petitioner is in custody since 16.11.2019.



The co-accused apprehended along with the petitioner has been allowed bail in Cr. Misc. No. 2291 of 2020. The petitioner has no criminal antecedent.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of CJM Sessions Judge -cum- Special Judge, NDPS Act, Katihar in Katihar Muffasil PS Case No. 306 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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