

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23698 of 2020

Arising Out of PS. Case No.-410 Year-2020 Thana- AHIYAPUR District- Muzaffarpur

RAHUL KUMAR Resident of Village- Vijay Chapra, P.S.- Ahiyapur, Distt-
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prashant Kumar

For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 17-09-2020 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceedings.

Since the physical court proceeding is non-functional, due to present pandemic, COVID-19, the matter is listed with defects.

Learned counsel for the petitioner undertakes to remove the defects within three weeks of resumption of physical court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in a case registered for the offence punishable under Section 414/34 of the Indian Penal Code and Section 20/22 of the N.D.P.S. Act.

As per the prosecution case, while the informant along



with police force was on patrolling duty, he saw that two persons came through FZ motorcycle at the place of occurrence and meet with standing persons and all were engaged in seen with the article which was kept in two polythene bags. Thereafter, on suspicion, informant and his associates reached there but all persons tried to escape there but any how they caught hold and on interrogation they disclosed their names and on search one kilogram Ganja was recovered from the possession of Pramesh Kumar and Vikash Kumar and mobile sets and from the possession of the petitioner three mobile sets were recovered.

It is submitted by learned counsel for the petitioner that the petitioner has committed no offence and has no concern with the aforesaid occurrence. He has been falsely implicated in this case. No incriminating article has been recovered from his conscious physical possession. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. It is further submitted that only three mobile sets and one motorcycle have been recovered from the possession of the petitioner and all these articles are either belongs to the petitioner or his family members. It is also submitted that at the time of alleged occurrence petitioner was going to take



medicine for his grandmother and merely on suspicion the police has falsely implicated him in this case. The Mukhiya and Sarpanch of his Panchayat have given a written statement before the higher authority of police with respect to false implication of the petitioner in this case. The petitioner has no criminal antecedent and has been languishing in custody since 08.05.2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge-cum-Special Judge N.D.P.S. Act, Muzaffarpur in connection with Ahiyapur P.S. Case No.410 of 2020.

(Anjani Kumar Sharan, J)

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