

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79247 of 2019

Arising Out of PS. Case No.-403 Year-2019 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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PRAVEEN KUMAR PANDEY @ NUNNU Son of Shyam Kumar Pandey
Resident of Village-Baghari, P.S.-Runni Saidpur, District-Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar @ S.K.
For the Opposite Party/s : Mr. Binod Kumar

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 19-03-2020 The petitioner, who is in custody since

13.06.2019, seeks bail in connection with Sadar P.S.

Case No. 414, 120B of the Indian Penal Code and

Section 25(1-B) a, 26(ii), 35 of the Arms Act.

A house was raided from where seven persons
were arrested. With respect to such arrest and recovery
of incriminating materials, two cases were lodged; one
being the present case and the other under the Excise
Act.

The petitioner is said to have been granted bail
in the case which has been lodged primarily under the



Excise Act vide Saraiya P.S. Case No. 382 of 2019.

In the present case, there is a recovery of one country made pistol and an amount of rupees eight lakhs from the possession of the petitioner. The amount of rupees eight lakhs is said to be the proceeds of the illicit trade of liquor.

The learned counsel for the petitioner has submitted that several of the accused persons who were arrested in the same transaction have been granted bail by different Benches of this Court. Two of such orders granting bail to accused persons from whom there has been recovery of firearm weapons have been shown to this Court and which orders have been made part of the record.

The learned counsel for the petitioner has further submitted that the so called recovery of rupees eight lakhs is not from the personal possession of the petitioner but was found to be kept in a bag which has wrongly been shown to be in exclusive possession of the



petitioner. In fact, it has been submitted that the recovery was from the house but only the petitioner as a single accused has been saddled with the charge of keeping such money.

Regard being had to the fact that the petitioner has already been granted bail in the case which was lodged under the Excise Act and the period of custody of the petitioner in the present case, he is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousands) with sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in connection with Sadar P.S. Case No. 403 of 2019.

While saying so, this Court has taken note of the fact that apart from this case and the case under the Excise Act about which reference has been made above, there is no other case pending against the petitioner.

One of the bailors shall be the father of the petitioner.



The Court below while granting bail to the petitioner shall insist upon furnishing of an undertaking by him and his father that the petitioner shall participate in the trial proceedings and he shall not leave the confines of the territory of Bihar without seeking approval of the Trial Court in case the trial commences or from the Investigating Officer of the case till the time the trial commences. Any default on the part of the petitioner and his non-appearance in the trial proceedings for two consecutive occasions without seeking the approval of the Trial Court would render the bail granted to him to be liable to be cancelled. The Court below in that event shall proceed with urgent dispatch for cancelling the bail of the petitioner if any default on the part of the petitioner is reported.

(Ashutosh Kumar, J)

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