

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13665 of 2021

Arising Out of PS. Case No.-497 Year-2020 Thana- KANTI District- Muzaffarpur

1. Rohit Kumar Son of Kishan Sah Resident of village - Mithan Sarai, P.S.- Ahiyapur, District - Muzaffarpur.
2. Vikash Kumar Son of Kishan sah Resident of village - Mithan Sarai, P.S.- Ahiyapur, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mani Bhushan Kumar, Adv.

For the Opposite Party/s : Mr.Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 08-09-2021 In view of the sudden resurgence of Covid-19 infection, there is limited functioning of the High Court and, therefore, the matter has been listed today for consideration through virtual mode.

Learned counsel for the petitioners is expected to honour 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 to do so by the office.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners seek bail in Kanti P.S. Case No.497 of 2020 instituted for the offences under Sections 8/20(b)(ii)(c),



22(c) of the N.D.P.S. Act and Sections 25(1-b)a/26/35 of the Arms Act.

It is alleged that from joint possession of the three accused persons including the petitioners, 1 Kg. Charas kept in a plastic bag has been recovered. One pulsar motorcycle, a loaded pistol and steel knives have also been recovered from the accused persons.

Learned counsel for the petitioners submits that the alleged 1 Kg. Charas kept in a plastic bag has been recovered from joint possession of three accused persons including the petitioners. It is further submitted that no report has been submitted that the recovered substance was Charas. One pulsar motorcycle along with a steel knife is alleged to have been recovered from petitioner no.1. The petitioners have got no criminal antecedents. They are languishing in jail since 08.08.2020. One Sonu Kumar (co-accused) has already been allowed bail by a coordinate bench of this Court in Cr.Misc.No.5508 of 2021 on 28.07.2021. The case of the instant petitioners stands on similar footing as that of co-accused Sonu Kumar. Therefore, the petitioners also deserve bail.

Learned A.P.P. has opposed the prayer for bail.

Considering the rival submissions as also the facts and



circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for bail of the petitioners is allowed. Let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 10,000/-(Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge 4th, Muzaffarpur in connection with Kanti P.S. Case No.497 of 2020 (N.D.P.S. Case No.68 of 2020), subject to the following conditions:-

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

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bonds will be liable to be cancelled.

(Madhuresh Prasad, J)

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