

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 18713 of 2021

Arising Out of PS. Case No.-303 Year-2020 Thana- CHIRAIYA District- East Champaran

Ashish Ranjan Kumar @ Ashish Ranjan Tiwari, aged about 20 years, Male
Son of Anil Tiwari @ Anil Kumar Tiwari, Resident of Village Dulma, P.S.
Madhuban, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 15-11-2021 Heard Mr. Abhishek Kumar, learned counsel

 appearing on behalf of the petitioner and learned APP appearing

 on behalf of the State.

The petitioner seeks regular bail in connection with
N.D.P.S. Case No. 64 of 2020 arising out of Chiraiya P.S. Case
No. 303 of 2020 registered for offence punishable under
Sections 399, 402, 413 and 414 of the Indian Penal Code,
Sections 25(1-b) a, 26, 35 of the Arms Act and Sections 20, 22
of the Narcotic Drugs and Psychotropic Substances Act,
(N.D.P.S.).

Learned counsel appearing on behalf of the petitioner
submits that no specific allegation has been made in the FIR.
He further submits that the only allegation against the petitioner



is that he was found with unnumbered motorcycle, however, no firearm or ammunition has been recovered from the possession of the petitioner. He further submits that he is innocent has been falsely implicated in this case. The petitioner is in custody since 18.11.2020. He has a clean antecedent.

Learned counsel appearing on behalf of the State, however, opposes the prayer for grant of bail. He further submits that the allegation made in the FIR are serious in nature and as such the petitioner do not deserve to be released on bail.

Having regard to the facts and circumstances of the case, submission made by learned counsel for the petitioner that no firearm or any prohibited item has been recovered from the possession of the petitioner and taking into consideration that as many as nine accused persons have been released on bail by this Court, this Court directs the petitioner to be released on bail. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge /Special Judge, Motihari East Champaran in connection with N.D.P.S. Case No. 64 of 2020, arising out of Chiraiya P.S. Case No. 303 of 2020, with following conditions:

(1) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reasons, his/her bail bond shall be cancelled by the Court below.

(ii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

This Court would expect that the petitioner's counsel would act upon his/their undertaking in the instant proceedings regarding supply of requisites court fee etc. within two weeks from the date he is called upon to do so by the office or suo motu.

(Purnendu Singh, J.)

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