

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18726 of 2021**

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

SUSHIL SINGH SON OF LATE RAM JANAM SINGH RESIDENT OF
VILLAGE CHAITA, DEVI RAI TOLA P.S- PAKARIDAYAL, DIST- EAST
CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

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

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 08-07-2021 This matter is taken up for consideration through

Video Conferencing under the orders of Hon'ble the Chief

Justice.

Heard both parties.

The petitioner seeks bail in Chiraiya P.S. Case No.

303 of 2020 corresponding to NDPS Case No. 64 of 2020,

registered for the offence punishable under Sections 399, 402,

413 and 414 of the Indian Penal Code and sections 25(1-b)a, 26

and 35 of the Arms Act and sections 20, 22 of the NDPS Act.

On secret information that about one dozen

miscreants assembled near Goreya Baba Temple for committing

some crime upon which a raid was conducted. Thirteen persons

including this petitioner were apprehended on the spot and from



possession of this petitioner one motorcycle was recovered.

It is submitted on behalf of the petitioner that no incriminating article has been recovered from possession of this petitioner. 1.866 Kg of Charas has been recovered from possession of co-accused Ranjeet Kumar. Mandatory provision of search and seizure has not been followed. Petitioner claims clean antecedent and he is in custody since 18.11.2020.

Considering the fact that no incriminating article has been recovered from possession of this petitioner and he claims clean antecedent, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten 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 Chiraiya P.S. Case No. 303 of 2020 corresponding to NDPS Case No. 64 of 2020, subject to following conditions:-

(i) The 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.



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

(Prabhat Kumar Singh, J)

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