

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.19446 of 2021**

Arising Out of PS. Case No.-181 Year-2020 Thana- BIDUPUR District- Vaishali

Prince Kumar, S/O Vishwa Nath Singh, R/O Village-Panapur, Dilawarpur,
P.S.-BIDUPUR, District-Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Siddharth Harsh, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 23-07-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Bidupur P.S. Case No. 181 of 2020 registered for the offence punishable under Sections 25 (1-B)A/26/35 of the Arms Act and Sections 20, 21, 22, 23, 24, 27, 27(A), 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'N.D.P.S. Act').

As per the prosecution story, on getting secret information, the police intercepted one bolero vehicle. On seeing the police party, some persons tried to flee away from the vehicle



but two of them were caught by the police who disclosed their name as co-accused Ramesh Kumar and Vikash Kumar. The police also arrested one person from the vehicle who disclosed his name as co-accused Rahul Kumar. On search one pistol with four live cartridges from the possession of co-accused Ramesh Kumar and total 915 gms. charas from the possession of co-accused Vikash Kumar was recovered. The Police also seized 23.465 Kgs. of ganja from the Bolero vehicle. On disclosure of co-accused Ramesh Kumar, the police raided the house of the petitioner and caught him after chasing him and recovered one pistol with two live cartridges from his possession.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is further stated that out of two cases as stated in paragraph '3' the petitioner is on bail in one case while the prayer for bail in another case is pending before this Court. It is further submitted that no narcotic substance has been recovered either from his house or from his possession. Petitioner is in custody since 28.05.2020.

Mr. Akhileshwar Dayal, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner



that so far as the present case is concerned, in the F.I.R. itself it would appear that this petitioner was not present in the Bolero vehicle which was intercepted by Police and 23.465 Kgs. of Ganja and Charas were recovered and further submission that the name of the petitioner has transpired in the confessional statement of the co-accused Ramesh who disclosed that this petitioner was involved in the murder of the husband of the Mukhiya and on such statement when the house of the petitioner was raided, the petitioner was arrested with a 9 mm pistol with two live cartridges, however, petitioner has remained in jail in connection with this case for more than one year, no narcotic substance was recovered from his house and as such there is no prima-facie material against the petitioner in connection with the case under the N.D.P.S. Act, 1985, considering all these aspects of the matter, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned 1st Additional District and Sessions Judge -cum-Special Judge, N.D.P.S., Hajipur at Vaishali in connection with Bidupur P.S. Case No. 181 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,



(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

