

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20053 of 2021

Arising Out of PS. Case No.-143 Year-2020 Thana- BRAHMPURA District- Muzaffarpur

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Brajesh Kumar S/O Ravindra Kumar Singh @ Ravindra Singh R/O Village- Vishunpur Pandey @ Vishunupur Pandey, Ward No.- 9, P.S.- Panapur O.P. (Minapur), District- Muzaffarpur, Present Address Mohalla- Alkapuri Bhagwanpur, P.S.- Sadar, District- Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar

For the Opposite Party/s : Mr. Umanath Mishra

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 01-09-2021 Heard learned counsel for the petitioner and learned A.P.P. for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with N.D.P.S. Case No. 49 of 2020 arising out of Brahampura P.S. Case No. 143 of 2020 registered for the offence punishable under Sections 420, 379, 467, 468, 471, 401, 402, 290, 115 of the Indian Penal Code, Sections 25(1-b)a/26/35,25(1-A)AA of the Arms Act and B/20(b)(ii)(B) of N.D.P.S. Act.

As per the prosecution case, on search narcotic drugs, arms cartridges, ATM cards, driviling licence, mobile phones and other



objectionable articles were recovered from the possession of the petitioner and other co-accused persons.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. He submits that one country made pistol and live cartridge were recovered from the possession of the petitioner. He submits that 500 grams of contraband article (charas) was also recovered from the possession of the petitioner which is less than the commercial quantity and only on suspicion police has lodged the present case against petitioner. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has one criminal antecedent as has been mentioned in para 3 of this bail petition and he is languishing in custody since 18.06.2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid and the fact that alleged contraband article which is recovered from the possession of petitioner is less than commercial quantity, the above named petitioner is directed to be enlarged on bail, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor Court in connection with N.D.P.S. Case No. 49 of 2020 arising out of Brahampura P.S. Case No. 143 of 2020 subject to the following conditions:



(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in the case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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