

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.21071 of 2021**

Arising Out of PS. Case No.-260 Year-2020 Thana- KALYANPUR District- East Champaran

MANISH KUMAR SINGH @ MADHURENDRA PRATAP SINGH SON
OF LAL BABU SINGH Resident of Village - Madhurapur, P.S.- Pipra, Distt.-
East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Dr. Indihar Kumari, APP

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

2 06-08-2021 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 learned

A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with N.D.P.S. Case No. 57 of 2020 arising out of

Kalyanpur P.S. Case No. 260 of 2020 registered for the offences

punishable under Sections 414/34 of the Indian Penal Code,

Sections 25(1-b)a, 26 and 35 of the Arms Act and Sections 20,

22 and 24 of the Narcotic Drugs and Psychotropic Substances

(N.D.P.S.) Act.

As per the prosecution story, the informant who is

S.I.-cum-S.H.O of Kalyanpur Police Station on secret

information, alongwith Anchal Adhikari, Kalyanpur, conducted raid near a pond in Kalyanpur village where they saw two persons on a motorcycle talking to each other. On seeing police party both of them tried to flee away on motorcycle but one person namely, Manish Kumar Singh (this petitioner) fell down and was caught by the police and from his possession one open knife, one loaded country made pistol with three live cartridges and 5.5 grams of smack were recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that the alleged recovery of 5.5 grams of smack is much below the commercial quantity and the co-accused Jitendra Jaiswal has been granted bail by this Court in Cr. Misc. No. 6872 of 2021. Learned counsel submits that the petitioner is in custody in connection with this case since 15.10.2020 having no criminal antecedent.

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 appears on perusal of the materials on the record that from possession of the petitioner one open knife, one loaded country made pistol with three live cartridges and 5.5

grams of smack were recovered, the petitioner has however no criminal antecedent and has remained in custody since 15.10.2020, investigation against him is complete and the co-accused Jitendra Jaiswal has been granted bail by this Court in Cr. Misc. No. 6872 of 2021, this Court directs release of the petitioner on bail **on completion of one year of custody** 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 Sessions Judge/Special Judge, Motihari, East Champaran in connection with N.D.P.S. Case No. 57 of 2020 arising out of Kalyanpur P.S. Case No. 260 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.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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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'.