

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24711 of 2021

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

VICKY KUMAR S/o- DINESH SINGH Resident of Village- Mishrauliya,
P.S.- Chiraiya, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar No.Iii

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 16-07-2021 Heard learned counsel for the petitioner and the State.

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 loaded country made pistol with one live cartridge were 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. several Similarly situated co-accused have already been allowed bail by this Court vide order passed in Cr.Misc.No. 18811/2021 and 18726/2021.

Learned counsel appearing for the State opposes the prayer for bail.

Considering the rival submissions of the parties, materials available on the record and the period of custody of the petitioner, 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. Patna High Court CR. MISC. No.18726 of 2021(2) dt.08-07-2021 3/3 (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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