

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27423 of 2021

Arising Out of PS. Case No.-547 Year-2020 Thana- HARSIDHI District- East Champaran

RAM CHELA RAI Son of Late Ramchandra Rai Resident of Village -
Tikuliya, P.S.- Muffasil Motihari, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prateek Tandon, Advocate

For the Opposite Party/s : Mr.Dr. Ajeet Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 23-11-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with NDPS Case No. 75 of 2020 arising out of Harsidhi P.S. Case No. 547 of 2020 registered for the offences punishable under Sections 399, 402, 411, 412, 413 of the I.P.C., Sections 25(1-b)a, 26, 35 of the Arms Act and Section 21/22 of NDPS Act.

Petitioner along with other accused are said to have been assembled to commit loot and one loaded country made pistol and two live cartridges have been recovered from possession of the petitioner.



Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence and he has falsely been implicated in the present case. No incriminating article has been recovered from conscious possession of the petitioner. So far recovery of one loaded country made pistol and two live cartridges is concerned, the same is planted. Petitioner is in custody since 25.12.2020. Learned counsel further submits that co-accused Dharamveer Singh has been granted bail by a co-ordinate Bench of this court vide order dated 02.09.2021 passed in Cr. Misc. No. 26514 of 2021. Petitioner has got two criminal antecedent.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner, above named, be released 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 cum Special Judge, NDPS Act, East Champaran, Motihari in connection with NDPS Case No. 75 of 2020 arising out of Harsidhi P.S. Case No. 547 of 2020, subject to the following conditions:-



1. 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

3. 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.

(Rajesh Kumar Verma, J)

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