

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27783 of 2021

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

SANDEEP KUMAR Son of Raghunath Rai Resident of Village -Hariyan
Chapra Rupdih, P.S.- Muffasil Motihari, Distt.- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dilip Kumar Tandon,Advocate

For the Opposite Party/s : Mr.Ashok Kumar Singh,APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 25-10-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Ashok Kumar Singh, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with N.D.P.S. 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 Indian Penal Code, Sections 25(1-b)a, 26, 35 of the Arms Act and Sections 21 and 22 of the Narcotics Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as ‘the N.D.P.S. Act’). He is in custody since 25.12.2020. The petitioner has got one criminal antecedent in which he is on bail.

Learned counsel for the petitioner submits that as per



the prosecution story, when the police party intercepted the vehicles in question the accused persons who were 7 in numbers tried to flee away, however, all the 7 persons were caught.

Learned counsel submits that all the 7 accused were searched and from possession of 6, some firearm and ammunition were seized, however, so far as this petitioner is concerned, there is no recovery of any firearm or ammunition or any incriminating article from his possession.

Learned counsel further submits that so far as the vehicles are concerned, the vehicles do not belong to the petitioner and in course of investigation, it has come that the vehicle is registered in the name of wife of co-accused Ramdhani Sahni.

It is his submission that the petitioner has already remained in custody for about 10 months and investigation against him is complete, thus, his further incarceration is not likely to come in aid of prosecution.

Mr. Ashok Kumar Singh, learned APP for the State has though opposed the prayer for regular bail of the petitioner but at the same time agrees that as per the FIR no incriminating article has been recovered from the possession of the petitioner.

Considering the facts and circumstances of the case, the materials showing that no recovery has been made from the conscious possession of the petitioner and the petitioner has



remained in custody for 10 months, investigation against him is complete but the trial is not likely to take place in near future, this Court directs release of the petitioner above named on bail on furnishing of 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-cum-Special Judge N.D.P.S. Act, East Champaran, Motihari in connection with N.D.P.S. Case No. 75 of 2020 arising out of Harsidhi P.S. Case No. 547 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C.

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.

The application stands allowed.

(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'.

