

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27803 of 2021

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

PRAKASH KUMAR @ PRAKASH SAH Sonof Pannalal Sah Resident of
Village - Champapur, Ward No.8, P.S.- Ramgharwa, Distt.- East Champaran.
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Prateek 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 two criminal antecedents and in those two cases he is on bail as per paragraph ‘3’ of the petition.



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, one knife is said to have been recovered from his possession.

Learned counsel submits that co-accused Dharamveer Singh from whose possession one country-made pistol and one live cartridge have been recovered has been granted by a learned Co-ordinate Bench of this Court in Cri. Misc. No. 26514 of 2021. The petitioner is in custody since 25.12.2020.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein on search from the possession of the petitioner one knife is said to have been recovered, the submission is that the co-accused Dharamveer Singh from whose possession one country-made pistol and one live cartridge have been recovered has been granted bail by a learned Co-ordinate Bench of this Court in Cri. Misc. No. 26514 of 2021, so far as this petitioner is concerned, he is not the owner of the vehicles in question and



has remained in custody since 25.12.2020, investigation against him is complete but the trial is not likely to take place in near future, in the circumstances, 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'.

