

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28707 of 2021

Arising Out of PS. Case No.-396 Year-2020 Thana- GAIGHAT District- Muzaffarpur

SUNIL CHAUDHARY Son of Mr. Sattan Choudhary Resident of Village-
Kolhua Paigambarpur, P.S.- Ahiyapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar

For the Opposite Party/s : Mr. Bisheshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 09-08-2021

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 399, 402, 414 of the Indian Penal Code, u/s 25(1-b)a, 26, 35 of Arms Act and u/s 8/20/22 of N.D.P.S. Act.

As per the prosecution case, on secret information that some miscreants had assembled to commit some crime a raid was conducted and four persons, namely, Abhay Ranjan @ Abhay Singh, Raushan Kumar, Manoj Kumar and Rahul Kumar were apprehended and from their possession one Scorpio vehicle containing 5 Kg Ganja and arms and ammunition were recovered. The petitioner has been named in the case on the basis of disclosure made by those accused persons, who were arrested on the spot. During the course of investigation it has come that mother of petitioner is owner of the seized Scorpio vehicle.



Learned counsel appearing for the petitioner submits that nothing has been recovered from the conscious possession of the petitioner and he is no way concerned with the alleged recovery. The apprehended accused were on friendly term with the petitioner and they took away the seized Scorpio vehicle for attending a marriage ceremony but they misused the vehicle resulting in false implication of the petitioner. No arms or ammunition or contraband was recovered from the possession of the petitioner and mother of the petitioner is owner of the seized vehicle. Petitioner is in custody since 03.12.2020.

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

Considering the facts of the case and the nature of allegation made against the petitioner, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

However, once charge is framed and trial commences, the petitioner, shall be released on bail by the trial court to its own satisfaction on the condition that the petitioner will co-operate in the trial.

(Prabhat Kumar Singh, J)

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