

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36381 of 2021**

Arising Out of PS. Case No.-288 Year-2020 Thana- HATHAURI District- Muzaffarpur

KUNDAN KUMAR Son of Arun Singh Resident of Village- Madhopur, P.S.-
Aurai, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Adv.
For the Opposite Party/s : Mr. Anil Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 21-12-2021 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in connection with Hathauri P.S. Case No. 288 of 2020 registered for the offence under Sections 20 and 22 of the N.D.P.S. Act and Sections 25(1-b)a, 26 and 35 of the Arms Act.

The case relates to recovery of one country made loaded pistol along with one motorcycle without registration number as also 500 gram of Charas wrapped in paper.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in



this case. In fact, nothing has been recovered from the conscious possession of the petitioner. Although there is allegation of recovery of one loaded country made pistol from the possession of the petitioner, no occurrence has been committed by him but the petitioner has sufficiently been punished for the alleged recovery as he has been rotting in judicial custody for more than one year. So far as recovery of charas is concerned, it is apparent from the F.I.R. and the seizure list itself that the same has been recovered from the another co-accused, namely, Suraj Singh. Therefore, no offense attracting N.D.P.S. act is made out against the petitioner. The petitioner is rotting in judicial custody since 22.12.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case and the period of custody of the petitioner, let the, above named, petitioner 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 learned Sessions Judge- Cum- Special Judge, N.D.P.S., Muzaffarpur in connection with Hathauri P.S. Case No. 288 of 2020 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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