

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36518 of 2021**

Arising Out of PS. Case No.-13 Year-2021 Thana- DARPA District- East Champaran

Vibhash Kumar S/O Ashok Prasad Resident Of Village - Bisun Purwa, P.S. -
Chhauradano, District - East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priyesh Kumar- Advocate

For the Opposite Party/s : Mr. Md. Mushtaque Alam- A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

3 09-12-2021

I.A. No.01 of 2021

The learned counsel for the petitioner, at the outset, submits that he has filed Interlocutory Application No.01 of 2021 bringing on record the F.I.R. of the case as in the bail application inadvertently a different F.I.R. was annexed.

Accordingly, Interlocutory Application No.01 of 2021 is allowed.

CRIMINAL MISCELLANEOUS No.36518 of 2021

Heard the learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with N.D.P.S. Case No.12 of 2021 arising out of Darpa P. S. Case No.13 of 2021, instituted for the offences under Sections 399, 402, 413, 414 of the Indian Penal Code read with Sections 25(1-B)a/26/35



of the Arms Act and Sections 8, 20 and 22 of the N.D.P.S. Act.

The learned counsel for the petitioner submits that the petitioner is in custody since 05.02.2021, he is a person with clean antecedent and charge-sheet has been submitted in the case.

The learned counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that the informant alleges that on information, they raided the place of occurrence and from this petitioner, one loaded country-made pistol with live cartridge was recovered and from the possession of co-accused Rahul Kumar Ram, one loaded country-made pistol and a live cartridge was also recovered and from the possession of co-accused Shashi Ranjan Kumar @ Bhushan, 2 Kg. charas was recovered.

The learned counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that from this petitioner, one loaded country-made pistol along with a live cartridge was recovered and as such, does not have any concern with the said recovery of 2 Kg. Charas, which is alleged to have been recovered from Shashi Ranjan Kumar @ Bhushan.

The learned A.P.P. for the State opposes the bail



application.

Considering the fact that the petitioner is in custody since 05.02.2021, he is a person with clean antecedent, charge-sheet has been submitted in the case and only one loaded country-made pistol with live cartridge has been recovered, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., East Champaran at Motihari in connection with Darpa P. S. Case No.13 of 2021.

The application stands allowed.

(Satyavrat Verma, J)

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