

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35110 of 2020

Arising Out of PS. Case No.-23 Year-2020 Thana- AHIYAPUR District- Muzaffarpur

Saurabh Kumar @ Raja, Gender-Male, Aged about 23 years, S/o Sudhir Singh R/o village- Bada Jagarnath, P.S.- Ahiyapur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar @ S.K.

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 25-01-2021 Heard learned counsel for the petitioner and learned counsel for the State.

In this case, the petitioner is seeking bail in connection with Ahiyapur P.S. Case No. 23 of 2020 registered for offences under sections 399, 402 of the Indian Penal Code and Section 25(1-b)a/26/35 of the Arms Act and Section 20/22 of the N.D.P.S. Act.

As per allegation made in the First Information Report, the police has recovered 500 Grams Charas and one loaded country made pistol from the possession of the petitioner.

Learned counsel for the Union of India submits that the seized quantity of Charas is between the small and commercial quantity. He further submits that the fire-arms has also been recovered from the possession of the petitioner.



Learned counsel for the petitioner submits that the petitioner is in judicial custody since 5.1.2020 i.e. for more than one year. He further submits that, in future, the petitioner will not be indulged in such activity.

Looking to the period of custody as also considering the entire facts and circumstances of the case, let the petitioner, above named, 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, Muzaffarpur in connection with Ahiyapurr P.S. Case No. 23 of 2020, subject to the condition that (i) one of the bailors shall be the deponent who has sworn the affidavit in the present bail petition (ii) if the petitioner is found involved in future in similar type of case, the prosecution will be at liberty to make prayer for cancellation of his bail and the court below will pass necessary order, including cancellation of bail and (iii) the petitioner would cooperate the proceeding of the court below. In event of failure to appear on two consecutive dates, the court below will be at liberty to pass the order, including cancellation of bail bonds and (iv) the petitioner will report to the Ahiyapur police station by 7th of every month for at least one year and in case of failure without any valid rhyme or reason, the bail of the



petitioner will be treated to have been canceled.

(Shivaji Pandey, J)

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