

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32959 of 2020**

Arising Out of PS. Case No.-181 Year-2020 Thana- BIDUPUR District-
Vaishali

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Rahul Kumar Son of Parmeshwar Rai Resident of Village - Bhairapur, P.S. -
Bidupur, District - Vaishali at Hajipur (Bihar).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Rakesh Kumar, Advocate
For the State : Mr. J.K. Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 19-01-2021 Heard learned counsel for the petitioner and learned
APP for the State. Learned counsel for the petitioner has filed an
undertaking to remove all defects pointed out by the Stamp
Reporter as and when required. It is accordingly directed that all
defects pointed out by the Stamp Reporter be removed within
one month hereof.

2. The petitioner is in custody since 28.05.2020 in
connection with Bidupur P.S. Case No. 181 of 2020 for the
offences alleged under Sections 25(1-B)a/26/35 of the Arms Act
and Section 20, 21, 22, 23, 34, 27, 27(A), 29 of the Narcotic Drug
& Psychotropic Substances Act.

3. It is submitted that the petitioner has been falsely
implicated in connection with alleged recovery of one pistol
along with magazine and four live cartridges from the possession
of co-accused Ramesh Kumar, while two packets of Charas
weighing about 915 grams was recovered from the possession of
co-accused Vikash Kumar, when both of them were travelling
along with the petitioner in a Bolero vehicle, from the rear side of



which 23.465 grams of ganja has also been recovered. It is submitted however that such recovery is specifically said to have been made from the possession of co-accused persons or from the back portion of the Bolero and not from the conscious possession of the petitioner who was sitting in the vehicle. The petitioner has been made accused in two prior cases, both of which have been lodged by one Kundan Kumar and in both cases the petitioner has been granted bail.

4. Learned APP appears and has been heard.

5. Be that as it may and having regard to the period of custody already suffered since 28.05.2020, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of like amount each to the satisfaction of learned Sessions Judge, Vaishali at Hajipur, in connection with Bidupur P.S. Case No. 181 of 2020, if he is not otherwise required in any other case.

6. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made by the petitioner within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Vikash Jain, J)

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