

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39091 of 2020

Arising Out of PS. Case No.-93 Year-2020 Thana- BARURAJ District- Muzaffarpur

PRABHAT KUMAR Son of Manoj Kumar Resident of Village- Rampur, P.S.-
Sahebganj, District- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
For the Opposite Party/s : Mr. Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 08-03-2021 Heard learned counsel for the petitioner and Mr. Atul
Chandra, learned A.P.P. for the State.

The petitioner, in the present case, is seeking regular bail in connection with NDPS Case No. 42 of 2020 arising out of Baruraj P.S. Case No. 93 of 2020 registered for the offence under Sections 399 and 402 of the Indian Penal Code, Section 25(1-B), 26 and 35 of the Arms Act and Section 8, 20 and 22 of N.D.P.S. Act.

Learned counsel for the petitioner submits that when the informant who is a police officer along with his team raided the place of occurrence saw four persons and a black colour apache motorcycle. On seeing the police these persons tried to escape but were apprehended and on interrogation stated that they used to sell charas and further disclosed the name of this



petitioner. When the house of the petitioner was raided one country made pistol and a live cartridge was recovered from his possession.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case and the name of the petitioner has transpired in the statement of the apprehended accused. Learned counsel submits that the petitioner has remained in custody since 31.05.2020.

Learned A.P.P. for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein it is the submission of learned counsel for the petitioner that the name of the petitioner has transpired in the statement of the apprehended accused, no narcotics or psychotropic substance has been recovered from the house of the petitioner, though it is alleged that one country made pistol and a live cartridge was recovered when his house was raided by the police party, the petitioner has remained in jail since 31.05.2020, investigation against him is complete and in the three cases against him, he is on bail in those cases and one application for bail is pending before this Court, otherwise there is no material against this petitioner, considering that no narcotic



has been recovered from the possession of the petitioner and for the alleged recovery of one country made pistol with one live cartridge he has remained in jail for about nine months, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Add. Session Judge-V-cum-Special Judge, NDPS, Muzaffarpur in connection with NDPS Case No. 42 of 2020 arising out of Baruraj P.S. Case No. 93 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedents 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 bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands disposed of.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

