

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39290 of 2020

Arising Out of PS. Case No.-240 Year-2020 Thana- MOHANIYA District- Kaimur (Bhabua)

Raju Kumar @ Raju Ranjan Bharti S/o Gopal Giri R/o Village- Devhara, P.S.-
Goh, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Udbhav, Advocate
For the State : APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 09-02-2021 Heard learned counsel for the petitioner and the learned
APP for the State.

Learned counsel for the petitioner is expected to honor his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon.

The petitioner seeks bail in Mohania PS Case No. 240 of 2020, instituted for the offence under Sections 399,402,400,414,411,216A of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act and Sections 8, 20(b)(ii)(B), 27(A) of the Narcotic Drugs and Psychotropic Substances Act.

The prosecution case is that upon information from one apprehended persons the police party has moved to the National Highways where a gang of criminals were making plan for committing loot. Three co-accused persons were apprehended in a car and some fled away on motorcycle. This raid has resulted in a recovery of various articles including one kg ‘Ganja’. The



police claimed to have exposed a gang which was indulging in loot and sale of stolen vehicles/motorcycles.

The learned counsel for the petitioner submits that neither he was in the vehicle from where the articles, including '*Ganja*' has been recovered, nor has he been named in the confessional statement of co-accused as being one of those who fled away from the place. The petitioner's implication is based only on recovery of one stolen car which too, as per statement of his brother, namely, co-accused Ranjeet Kumar @ Giri was in his possession under fortuitous circumstances and there is no basis to even suggest that in any manner he was involved in loot of the same. He bears a clean past and has no concern with the other accused persons and by virtue of being brother of co-accused Ranjeet Kumar @ Giri he has been implicated and is in custody since 08.08.2020.

The learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, 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 the learned Sessions Judge-cum-Special Judge NDPS Act, Kaimur at Bhabua, in connection with NDPS Case No 24 of 2020 arising out of Mohania PS Case No 240 of 2020, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each



date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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