

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.1290 of 2021**

Arising Out of PS. Case No.-74 Year-2020 Thana- KATHAIYA District- Muzaffarpur

BIPUL KUMAR Son of Ramnaresh Singh Resident of Village- Sirsiya  
Jagdish, P.S.- Kathaiya, Distt- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Priyesh Kumar, Advocate  
For the Opposite Party/s : Mr.Md. Fahimuddin, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

2      17-03-2021              Learned counsel for the petitioner undertakes to  
remove all the defects as pointed out by office within four  
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Md.  
Fahimuddin, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in  
connection with NDPS Case No. 50 of 2020 arising out of  
Kathaiya P.S. Case No. 74 of 2020 registered for the offence  
under Section 399, 402 of the Indian Penal Code and Section  
25(1-b)A, 26, 35 of the Arms Act and Section 8, 20 and 22 of  
the NDPS Act.

Learned counsel for the petitioner submits that the  
petitioner is alleged to have been arrested with his accomplices  
and from their possession arms and ammunitions as well as



narcotic substance were recovered. It is alleged that from possession of the petitioner one packet Charas weighing about 250 gms, one mobile phone and one loaded pistol have been recovered.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that nothing has been recovered from the conscious possession of the petitioner. The petitioner is in custody since 20.06.2020. It is submitted that the alleged recovery of Charas is less than the commercial quantity.

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

Having regard to the facts and circumstances of the case wherein the alleged recovery is that of 250 gms. of Charas and one loaded pistol from the possession of the petitioner, however, it is the submission of learned counsel for the petitioner that the alleged recovery of quantity is less than the commercial quantity and a similarly situated co-accused Shashi Ranjan from whose possession one loaded country made pistol was recovered has been granted bail by a learned coordinate Bench of this Court in Cr. Misc. No. 32062 of 2020, the petitioner is in custody in connection with the present case since



20.06.2020, in one case on his head he is said to be on bail, investigation against the petitioner is complete and there being no chance of early conclusion of trial, 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 Sessions Judge-cum-Special Judge (NDPS Act), Muzaffarpur in connection with NDPS Case No. 50 of 2020 arising out of Kathaiya P.S. Case No. 74 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 in course of trial the petitioner shall appear on each and every date fixed in the



matter. Two consecutive defaults in putting appearance shall invite action towards cancellation of bail by the learned court below itself.

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

**(Rajeev Ranjan Prasad, J)**

vats/-

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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'.

