

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2228 of 2021

Arising Out of PS. Case No.-146 Year-2020 Thana- MALSALAMI District- Patna

Suraj Kumar, aged about 24 years, Male son of Late Parshuram Singh,
Resident of village - Malikana, PS Masaurhi, District Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opp.Party

Appearance :

For the Petitioner	:	Mr. Arvind Kumar Pradhan, Advocate
For the State	:	Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 26-05-2021 In view of the sudden resurgence of Covid-19 infection, there is limited functioning of the High Court and, therefore, the matter has been listed today for consideration through virtual mode.

Heard learned counsel for the petitioner and learned counsel for the State

The petitioner seeks bail in Malsalami P.S. Case No. 146 of 2020, Special Case No. 77 of 2020 instituted for the offence under Sections 399 and 402 of the Indian Penal Code, Section 25(1-b)a/26/35 of the Arms Act and Section 20/22 of the NDPS Act.

Learned counsel for the petitioner is expected to honour 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 to do so by the office.

On secret information, regarding assembly of certain criminals the police have allegedly reached the place from where the petitioner has been arrested and one kg 'ganja' has been recovered from his possession.



It is submitted by the petitioner's counsel that his implication is false. There is non-compliance with the search and seizure procedure prescribed. The petitioner is in custody since 02.06.2020 and he is on bail in Masaurhi P Case No. 577 of 2017. The alleged recovery is much below the commercial quantity. No arms and ammunitions have been recovered from the petitioner's possession and co-accused, namely, Rohit Kumar @ Muchhu @ Muchchu has been allowed bail in Cr. Misc. No. 1377 of 2021.

The learned APP representing 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 Chief Judicial Magistrate Patna, in connection with Malsalami P.S. Case No. 146 of 2020, Special Case No. 77 of 2020 subject to the further 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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