

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2818 of 2021

Arising Out of PS. Case No.-85 Year-2020 Thana- MITHANPURA District- Muzaffarpur

JITENDER KUMAR @ BADAL KUMAR @ BADAL S/O- Late Devendra Mahto R/o- 536, Sarmastpur, Chandan Patti, P.S. - Sakra, District - Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yash Singh

For the Opposite Party/s : Mr. A.G

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 09-03-2021 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner is in custody since 15.05.2020 in connection with NDPS Case No. 34 of 2020 arising out of Mithanpura P.S. Case No. 85/2020 registered for the offences punishable under Sections 414/34 of the IPC, 25(i-B)A, 26/35 of the Arms Act and Section 8/20(b)(ii)(B) of the NDPS Act.

As per the prosecution case, the accused persons including this petitioner were apprehended by police and on search, one country-made pistol loaded with one cartridge has been recovered.

It is submitted on behalf of the petitioner that nothing has been recovered from the possession of the petitioner and the



alleged *Ganja* was recovered from the possession of the other co-accused persons and not from this petitioner. It is further submitted that co-accused from whose possession *Ganja* was recovered, has already been granted bail by this Court vide order dated 05.11.2020 passed in Cr. Misc. No. 27896 of 2020. Chargesheet has already been submitted in this case. Petitioner has got clean antecedent and he is in custody since 15.05.2020.

Considering the period of custody coupled with the fact that the petitioner bears a clean antecedent, the bail petition of the petitioner is allowed. Let the petitioner above named be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount to the satisfaction of learned Additional Sessions Judge, V cum Special Judge (NDPS), Muzaffarpur, in connection with NDPS Case No. 34 of 2020 arising out of Mithanpura P.S. Case No. 85/2020, subject to following conditions:-

- (1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present, as directed by the Court on his absence on two consecutive dates without sufficient reason, his bail-bonds shall be cancelled by the Court below.



(2) If the petitioner tempers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

Saif/-

U		T	
---	--	---	--

