

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1791 of 2021

Arising Out of PS. Case No.-230 Year-2020 Thana- RAMGARHWA District- East
Champaran

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Gudluck Kushwaha @ Golu Son of Prabhu Kushwaha Resident of Village-
Baudha, P.S.- Ramgarhwa, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Ramchandra Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 04-03-2021 Heard learned counsel for the parties.

The petitioner seeks bail in N.D.P.S. Case No. 31 of 2020, arising out of Ramgarhwa P.S. Case No. 230 of 2020, registered for the offence under Sections 399, 402, 413 & 414 of the Indian Penal Code, Sections 25(1-b)a, 26 & 35 of the Arms Act and Sections 8/12(b)(ii)(B) of N.D.P.S. Act.

As per the prosecution case, one loaded country-made pistol and one live cartridge have been recovered from the possession of the petitioner.

It is submitted on behalf of petitioner that no incriminating article, as alleged in the FIR, has been recovered from possession of petitioner. Petitioner has been falsely implicated in the case. Petitioner has got clean antecedent and he is in custody since 22.08.2020. Chargesheet has already been



submitted.

Considering the aforesaid facts and circumstances as well as nature of accusation, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge cum Special Judge, Motihari, East Champaran in connection with N.D.P.S. Case No. 31 of 2020, arising out of Ramgarhwa P.S. Case No. 230 of 2020, on the following conditions:

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

(2) If the petitioner tampers 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.)

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