

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.6277 of 2021**

Arising Out of PS. Case No.-93 Year-2020 Thana- BARURAJ District- Muzaffarpur

=====

NAVEEN KUMAR @ NAVIN KUMAR SON OF RAMESHWAR PANDIT
RESIDENT OF VILLAGE - SITUAHI, P.S. - SAHEBGANJ, DISTRICT -
MUZAFFARPUR

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Singh, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 30-07-2021 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 learned

A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Baruraj P.S. Case No. 93 of 2020 registered for

the offences punishable under Sections 399 and 402 of the

Indian Penal Code, Sections 25(1-B)a, 26 and 35 of the Arms

Act and Sections 8, 20 and 22 of the Narcotic Drugs and

Psychotropic Substances (N.D.P.S.) Act.

Learned counsel for the petitioner submits that as per

the prosecution story when the informant who is a police officer

along with his team raided the place of occurrence saw four persons and a black colour Apache motorcycle. On seeing the police these persons tried to escape but were apprehended ultimately and on interrogation stated that they used to sell charas. Upon search one live cartridge has been recovered from the possession of this petitioner.

It is the submission of learned counsel for the petitioner that so far as this petitioner is concerned, allegedly from his possession one live cartridge has been recovered. So far as the recovery of charas is concerned, the same has been attributed to all the three accused jointly without disclosing the quantity of alleged charas.

Learned counsel further submits that this petitioner has got two criminal antecedents, however, in both the cases he is on bail. The co-accused from whose possession loaded country-made pistol has been recovered have been granted bail by this Court in Cr. Misc. No. 108 of 2021. The co-accused Prabhat Kumar has also been granted bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 39091 of 2020.

On the other hand, learned A.P.P. for the State has opposed the prayer for bail of the petitioner but from the case diary it is stated that on 27.07.2020 when the sample of the

alleged substance was submitted in the office of the Forensic Science Laboratory, Muzaffarpur, the Office Clerk told that it cannot be accepted right now because many of the staffs of the F.S.L. had been suffering from Corona, therefore, for the present there is no report of the F.S.L.

Considering the facts and circumstances of the case wherein from the possession of this petitioner only one live cartridge is said to be recovered, he is in custody in connection with this case since 01.06.2020, investigation against him is complete and the co-accused have been granted bail by this Court, 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 5th Additional Sessions Judge, Muzaffarpur in connection with Baruraj P.S. Case No. 93 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 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.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Rishi/-

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

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'.