

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 8996 of 2021

Arising Out of PS. Case No.-23 Year-2020 Thana- AHIYAPUR District- Muzaffarpur

NIRAJ KUMAR SON OF DEVENDRA SAH RESIDENT OF VILLAGE-
FATEHPUR, P.S.- AHIYAPUR, DISTRICT- MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar @ S.K., Advocate

For the Opposite Party/s : Mr. Prem Kumar Jha, APP.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 02-07-2021

In view of sudden resurgence of COVID – 19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned Counsel for the petitioner and the learned APP for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in Ahiyapur PS Case No. 23 of 2020 registered under Sections 399, 402 of the Indian Penal Code, Sections 25(1-b)a, 26, 35 of the Arms Act and Sections 20, 22 of NDPS Act.

Six persons have been apprehended on apprehension of crime being committed. From the petitioner, one country made pistol loaded with one cartridge was recovered. Prosecution alleges recovery of fire arms from other co-accused and recovery of 'Charas' from co-accused Saurabh Kumar and Sumit Kumar.

Learned Counsel for the petitioner submits that it is a case of false implication. Recovery is not as per procedure prescribed and the petitioner has no criminal antecedent. Even as per prosecution case there is no recovery of any contraband substance



under the NDPS Act from the petitioner. Other co-accused Roshan Kumar, Nitesh Kumar and Saurabh Kumar, from whose possession 'Charas' was recovered, has been allowed bail in Cr. Misc. Nos. 27246 of 2020, 30177 of 2020 and 35110 of 2020. The petitioner has been in custody now since 5.1.2020.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge III -cum- Special Judge, NDPS Act, Muzaffarpur in Ahiyapur PS Case No. 23 of 2020 subject to the 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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