

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2131 of 2022

Arising Out of PS. Case No.-284 Year-2020 Thana- MINAPUR District- Muzaffarpur

Santosh Kumar, Son of Vishvnath Bhagat, Resident of Village - Alineora,
P.S.- Minapur, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. P. K. Shahi, Sr. Advocate
		Mr. Siddharth shankar Pandey, Adv.
For the Opposite Party/s :		Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

6 07-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Minapur P.S. Case No. 284 of 2020 registered for the alleged offences under Sections 414 and 34 of the Indian Penal Code, Sections 25(1-b)a, 26 and 35 of the Arms Act and Sections 8(c), 20, 21 and 22 of the N.D.P.S. Act.

As per prosecution case, police received secret information about smugglers of narcotics moving on a four wheeler and pursuant thereto the four wheeler was intercepted and the petitioner along with other co-accused persons were



apprehended from it. From this petitioner a country made revolver with two live cartridges along with mobile phone were recovered. From the vehicle, three polythene packets containing *ganja* weighing 964 grams, 924 grams and 834 grams, respectively were recovered.

The learned senior counsel for the petitioner submits that the petitioner has earlier moved for regular bail before this Court and his prayer was rejected vide order dated 17.03.2021 passed in Cr. Misc. No. 38298 of 2020 and the Co-ordinate Bench has observed that if the trial was not concluded within nine months from the date of receipt/production of a copy of the order, the petitioner could renew his prayer for bail. Learned senior counsel further submits that the co-accused Devendra Sahni has been granted bail by a Co-ordinate Bench of this Court vide order dated 01.09.2021 passed in Cr. Misc. No. 38838 of 2021. Further co-accused Shankar Kumar has been granted bail by the learned Sessions Judge, Muzaffarpur. Learned senior counsel further submits that the vehicle from which the recovery has been made belongs to this petitioner but the recovery of contraband was not from his conscious possession as he was not having any knowledge. The quantity of contraband recovered is much less than the commercial quantity. Learned senior counsel further submits that the report was



called from the learned trial court regarding status of the trial and till date after cognizance, no further proceeding has taken place. Learned senior counsel further submits that the petitioner is in custody since 01.08.2020 and more than two years have since elapsed. Under the aforesaid circumstances, the petitioner deserves to be enlarged on bail.

Learned APP opposes the prayer for bail submitting that recovery of about 3kg of *ganja* was made from the vehicle of the petitioner and a loaded country made revolver with live cartridges were also recovered from this petitioner.

Perused the record.

Having regard to the submissions made hereinabove and considering the report of the learned trial court from which it appears that even after taking cognizance, the matter has been coming up for supplying the police paper to co-accused Shankar Kumar and further considering the less likelihood of conclusion of trial in near future and further considering the grant of bail to other co-accused persons and also considering the period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge,



Muzaffarpur in connection with Minapur P.S. Case No. 284 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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