

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4420 of 2022

Arising Out of PS. Case No.-46 Year-2021 Thana- CHAPRA RAIL P.S. District- Saran

SANJAY RAI S/o Shankar Rai R/o Mohalla- Gadahitir, P.S.- Bhagawan
Bazar, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Kant

For the Opposite Party/s : Mr.Madan Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 21-06-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Chhapra Rail P.S. Case No. 46 of 2021 registered for the
offences punishable under Sections 328, 401, 414 of the Indian
Penal Code and Sections 8, 21, 22 of N.D.P.S. Act.

As per prosecution case, the police apprehended
the co-accused Brij Kishore Mukhiya and upon search made by
the police two Amul Cool bottles, two strips of Lorazepam tablet
and one motorcycle was recovered and on the statement of co-
accused Brij Kishore Mukhiya, the name of petitioner has
surfaced in this case.



Learned counsel for the petitioner submits that petitioner is in custody since 21.10.2021 and bears criminal antecedent of two cases in which he is on bail. He further submits that nothing has been recovered from possession of the petitioner. Co-accused Brij Kishor Mukhiya against whom the recovery has been made has already been granted bail by the co-ordinate Bench of this court vide Cr. Misc. No. 43264 of 2021. Charge sheet has been submitted in the case and there is no likelihood of tampering the evidence. Seizure list has not been made as per law.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody and the co-accused Brij Kishor Mukhiya against whom recovery has been made has already been granted bail and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge cum Special Judge, NDPS Act, Saran at Chapra in connection with Chapra Rail P.S. Case No. 46 of 2021, subject to following conditions:-



(i) One of the bailor shall be either father or mother or sister or brother or wife or the person who sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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