

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5025 of 2022

Arising Out of PS. Case No.-297 Year-2021 Thana- RAJIVNAGAR District- Patna

Gulshan Kumar @ Chhotan Son of Raj Kumar Chauhan Resident of Village- Akbarpur, P.S.- Barh, District- Patna. At present- Rajeev Nagar Road No. 21, Chhoti Bagicha, P.S.- Rajeev Nagar, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 26-04-2022 Heard counsel for the parties.

The petitioner is in judicial custody in connection with Special (N.D.P.S.) Case No. 79 of 2021 arising out of Rajiv Nagar P.S. Case No. 297 of 2021 for the offences under sections 20(b)(ii)(A) and 29 of the N.D.P.S. Act.

As per the informant, the police in course of vehicle checking tried to stop Pulsar motorcycle coming from the Patliputra side and three persons were riding it. As the motorcycle slowed down, one of them got down from it but the motorcycle thereafter sped away. The person who got down also tried to escape but was caught and disclosed his name as Kalu Kumar @ Jitendra Kumar. Upon search 2 K.G. 'ganja' was recovered from him. He further disclosed the name of others



including the petitioner herein, who were present in the motorcycle. Accordingly, the house of the petitioner was raided and he was arrested.

Learned counsel for the petitioner submits that he is in jail only because of the confessional statement of the accused from whose possession 'ganja' was recovered. He further submits that although the petitioner has been arrested from his house, nothing has been seized/found from his possession which reflects from the FIR itself. He further submits that he is in jail since 25.7.2021(as stated in para-15 of the bail application). He lastly submits that one of the co-accused Rabindra Kumar from whose possession one motorcycle was recovered has since been enlarged on bail in Cr. Misc. No. 59940 of 2021 on 15.4.2022.

Let the copy of the order dated 15.4.2022 be kept on record.

Taking into account all the facts, this Court is inclined to grant the privilege of bail to the petitioner. However, he has criminal antecedent, certain conditions are necessary to be imposed.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional



District & Sessions Judge-XVII, Patna, in connection with
Special Case No. 79 of 2021 arising out of Rajeev Nagar P.S.
Case No. 297 of 2021 subject to the following conditions:-

(i) one of the bailor should be the family members of
the petitioner, who shall provide official document to show
his/her bona fide;

(ii) the petitioner shall appear on each and every date
before the Trial Court and failure to do so for two consecutive
dates without plausible reasons will entail his cancellation of
bail by the Trial Court itself;

(iii) he shall appear before the concerned police
station every fortnight for next six months to mark his
presence;

(iv) he shall in no way try to induce or promise or
threat the witnesses or tamper with the evidence, failing which
the State shall be at liberty to take steps for cancellation of his
bail bonds.

The bail application is allowed with the aforesaid
observation.

(Rajiv Roy, J)

Ravi/-

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

