

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4859 of 2022

Arising Out of PS. Case No.-984 Year-2020 Thana- AHIYAPUR District- Muzaffarpur

Saurabh Kumar Son of Kamlesh Kumar Singh @ Kamlesh Kumar Resident
of Village - Shekhpur Sadhu Gachhi, P.s.- Ahiyapur, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bela Singh, Advocate

For the Opposite Party/s : Mr. Ganesh Prasad Singh, App

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 07-06-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Ahiyapur P.S. Case No. 984 of 2020 instituted for the offences
under Sections 25(1-b)a, 26, 35 of the Arms Act and Sections
20, 22 of N.D.P.S. Act.

Learned counsel for the petitioner submits that the
petitioner is in custody since 29.12.2020, is a person with clean
antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that there is
recovery of live cartridge and ½ Kg. Ganja from the possession
of the petitioner.

Learned counsel for the petitioner further submits that
the petitioner is innocent and has been falsely implicated in this



case. In fact, nothing has been recovered from the conscious possession of the petitioner rather the alleged recovery has been made from the box of tempo fixed in front of driver seat and the petitioner being a passenger of the said tempo has been taken into custody on suspicion only. The petitioner has no concern with the alleged recovery. It is further submitted that similarly situated co-accused namely, Rajiv Ranjan has been granted bail by a co-ordinate Bench of this Court vide Order dated 05.01.2022 passed in Cr. Misc. No. 52414 of 2021.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody since 29.12.2020, charge-sheet has been submitted in the case and the petitioner is a person with clean antecedent, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned 8th Additional Sessions Judge-cum-Special Judge, N.D.P.S., Muzaffarpur in connection with Ahiyapur P.S. Case No. 984 of 2020 subject to the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) 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.

(Khatim Reza, J)

Gaurav Kumar/-

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