

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11531 of 2022

Arising Out of PS. Case No.-192 Year-2021 Thana- SULTANGANJ District- Bhagalpur

Rajiv Kumar @ Chhanguriya, Son Of Vijay Yadav, R/O - Shivnandanpur,
P.S.- Sultangaj, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indeshwari Prasad Mandal, Advocate
For the State : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-07-2022 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 Sultanganj P.S. Case No. 192 of 2021 registered for the alleged offences under Sections 276, 420, 414 and 34 of the Indian Penal Code, Section 25(1-b)A, 26, 35 of Arms Act and Section 18(A)/18(B)/18(C)/27(B) (ii) and 28 (c) of Drugs and Cosmetic Act.

The prosecution case is that during checking of vehicles, the present petitioner was apprehended and from his possession, one live cartridge and 9 bottles of 100 ml of Dialex-



DC-Code-in Phosphate and Chloropheniramine Maleate Syrup were recovered.

The learned counsel for the petitioner submits that petitioner is innocent and no recovery has been made from him. Recovery of aforesaid syrup has been shown from the motorcycle and for its possession, there is general allegation against the petitioner and the co-accused. Thus, only recovery from the petitioner is a live cartridge. Further charge-sheet has been submitted in this case without any sanction order of the competent authority. Learned counsel further submits that though there are three cases pending against this petitioner, but he is on bail in all cases. The petitioner is in custody since 27.08.2021.

Learned APP opposes the prayer for bail and submits that the petitioner was apprehended with 9 bottles of 100 ml of intoxicating syrup and a live cartridge.

Having regard to the submissions made hereinabove and considering the period of custody of this petitioner along with the nature of recovery from him, 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 Additional Sessions



Judge-I-cum-Special Judge of Drug and Cosmetic, Bhagalpur in connection with Sultanganj P.S. Case No. 192 of 2021, subject to 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 for 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.

V.K.Pandey/-

(Arun Kumar Jha, J)

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