

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11723 of 2022**

Arising Out of PS. Case No.-278 Year-2021 Thana- MOTIHARI MUFASIL District- East
Champaran

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Chandan Chourasiya, Son Of Jagdish Chourasiya, Resident Of Village-
Dhekahan Bazar, Police Station- Muffasil (Motihari), District- East
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 05-07-2022 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 N.D.P.S. Case No. 81 of 2021, arising out of
Muffasil P.S. Case No. 278 of 2021, registered for the alleged
offences under Sections 414, 420, 468, 471 and 120 (B) of the
Indian Penal Code, Sections 25(1-b)a, 26, 35 of the Arms Act
and Sections 8/20(B) (ii) (c) of the N.D.P.S. Act.

The prosecution case is that on secret information that
some criminals were assembled, the place was raided and some



of the co-accused persons were arrested with firearms and narcotics substance. The name of the petitioner came up in the confessional statement of co-accused person.

The learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. He has not been apprehended from the spot. Nothing incriminating has been recovered from the person/possession of the petitioner. The name of the petitioner came up in the confessional statement of co-accused Oversier Sahani, but the petitioner has got no concern with the criminal gang of the co-accused. The other co-accused persons, who have been arrested from the spot, have been granted bail by a coordinate Bench of this Court vide order dated 25.02.2022 passed in Cr. Misc. No.51915 of 2021, order dated 04.04.2022 passed in Cr. Misc. No.50072 of 2021 and order dated 23.02.2022 passed in Cr. Misc. No.50460 of 2021 and the case of the petitioner is on better footing as he has neither been arrested from the spot nor anything has been recovered from his person/possession. The petitioner has also been made accused in three other cases. The petitioner is in custody since 19.11.2021 and the charge sheet has been submitted.

Learned APP opposes the prayer for bail.



Having regard to the submissions made hereinabove and considering the fact that the petitioner has not been apprehended from the spot and nothing incriminating has been recovered from his possession and further considering the fact that charge sheet has been submitted and the petitioner is in custody since 19.11.2021, 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 Chief Judicial Magistrate, East Champaran, Motihari in connection with N.D.P.S. Case No. 81 of 2021, arising out of Muffasil P.S. Case No. 278 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.

(Arun Kumar Jha, J)

V.K.Pandey/-

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