

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11653 of 2022

Arising Out of PS. Case No.-895 Year-2021 Thana- PHULWARISHARIF District- Patna

ARVIND KUMAR Son of Ramji Mahto Resident of Mohalla - Tamtam Parav, Phulwarisharif, Hanuman Mandir, Police Station - Phulwarisharif, District - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee

For the Opposite Party/s : Mr. Mukesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 11-07-2022 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 Phulwari Sharif P.S. Case No. 895/2021 registered for the offences punishable under Sections 20/ 21(b), 22 and 27 of the N.D.P.S. Act.

As per prosecution case, the informant got secret information that a woman was selling brown sugar near Bajrang Bali Mandir, Tamtam Parao, Phulwari Sharif. After that the informant alongwith police official reached there and seeing the police team the said women tried to flee away but she was



apprehended by the police. On search 20 pudiya of brown sugar was recovered from the possession of apprehended co-accused, Kusum Devi as disclosed that she had taken the said material from co-accused, Lalita Devi and the present petitioner.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The petitioner is languishing in custody since 09.11.2021 and bears criminal antecedent of three cases in which he is on bail. He further submits that nothing has been recovered from the conscious possession of the petitioner and he was not apprehended on the spot. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. Co-accused, Kusum Devi @ Pinki Devi has already been granted bail by this Court vide Cr. Misc. No.9622/2022.

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

Considering the facts and circumstances of the case, period of custody, petitioner was not apprehended on the spot, co-accused, Kusum Devi against whom recovery was made has been granted bail by this court, charge sheet has already been submitted in this case and there is no likelihood of



tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XVII/Successor Court, Patna, in connection with Special Case No. 156/2021 arising out of Phulwarisharif P.S. Case No. 895/2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has 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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