

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12788 of 2022

Arising Out of PS. Case No.-633 Year-2021 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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Aman Kumar, Son of Shatrughan Mahto, Resident of Village - Mosadpur,
Ward no.09, P.O.- Tiltrath, P.S.- Barauni, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rupesh Kumar, Advocate
For the Opposite Party/s : Mr.Ram Anurag Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-08-2022 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 Muzaffarpur Sadar P.S. Case No. 633 of 2021, registered for the alleged offences under Sections 25 (1-B)a, 26 of the Arms Act and Sections 8 (C) and 21 (b) of the Narcotic Drugs and Psychotropic Substances Act.

As per the prosecution case, during investigation of Muzaffarpur Sadar P.S. Case No. 632 of 2021, from the possession of this petitioner, a country made pistol with one live



cartridge and five sachets of white substance stated to be smack were recovered.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. Nothing incriminating has been recovered from the person/possession of this petitioner. The seizure list has been prepared in contravention to the express provisions of law. The substance stated to be smack has not been sent to F.S.L for its examination, so it cannot be said that the material was any narcotic drug or psychotropic substance. The charge sheet has been submitted in this case and the petitioner is in custody since 14.09.2021.

Learned APP opposes the prayer for bail submitting that from the possession of this petitioner, illegal firearms as well as narcotic substance have been recovered. The petitioner is having criminal antecedents.

Having regard to the facts and circumstances of the case and the submissions made hereinabove and further considering the submission of charge sheet and the period of custody of the petitioner, he 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



Special Judge, N.D.P.S. Act-cum-8th Additional District and Sessions Judge, Muzaffarpur in connection with Sadar P.S. Case No. 633 of 2021, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also 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 on 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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