

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19534 of 2022

Arising Out of PS. Case No.-316 Year-2021 Thana- MALSALAMI District- Patna

Md. Kajim @ Kaju S/o- Md. Reyajuddin @ Rajudin @ Raju Chik R/o -
Kauakhoh, Kaimashikhoh (Near Mahavir Asthan), P.S. - chowk, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nityanand Kumar, Advocate

For the Opposite Party/s : Mr. A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-09-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Petitioner seeks bail in a case registered for the offences
punishable under Section 25(1-b)a/26/35 of Arms Act and Section
8/20 (b) (ii) (B) of N.D.P.S. Act.

According to prosecution case, 1.3 kg of Ganja has been
recovered from the possession of the petitioner.

Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case only on the basis of suspicion. He further submits
that it appears from the F.I.R. and seizure list that 1.3 kg Ganja,



one steel knife and Rs. 500/- have been recovered from the possession of the petitioner. He further submits that the alleged recovered contraband is less than the commercial quantity so there is no embargo under Section 37 of Cr.P.C. to enlarge the petitioner on bail and the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Chhotu Sahini @ Ghogha has been granted bail by a co-ordinate Bench of this Court vide order dated 22.09.2022 passed in Cr. Misc. No. 23374 of 2022. The petitioner is in custody since 08.08.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that petitioner carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Malsalami P.S. Case No. 316 of 2021 (Spl. Case No. 94 of 2021) 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 absence on two consecutive dates without sufficient reason, his 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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