

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.28902 of 2021**

Arising Out of PS. Case No.-547 Year-2020 Thana- HARSIDHI District- East Champaran

Raju Kushwaha, S/o Asharfi Kushwaha R/o village- Champapur, Ward No. 17, P.S.- Ramgharwa, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Prateek Tandon, Advocate

For the Opposite Party/s : Ms. Gulnar Begum, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

12    24-08-2022                      Heard Mr. Prateek Tandon, learned counsel appearing on behalf of the petitioner and Ms. Gulnar Begum, learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the complete start of the physical Court in normal course.

The petitioner seeks regular bail in connection with N.D.P.S. Case No. 75 of 2020, arising out of Harsidhi P.S. Case No. 547 of 2020, for the offence punishable under Sections 399, 402, 411, 412 and 413 of the Indian Penal Code, Section 25(1-b)a, 26 and 35 of the Arms Act and Sections 21 and 22 of the N.D.P.S. Act.

The allegation is of recovery of one country made pistol as well as 25 pieces of Alprazolam tablet, 10 pieces of Safone tablet along with injections from the possession of the petitioner.



Learned counsel appearing on behalf of the petitioner submitted that the petitioner is innocent and he has falsely been implicated in the present case. He further submitted that similarly situated co-accused Prakash Kumar @ Prakash Sah, Ram Chela Rai, Dharamveer Singh, Devendra Yadav, Ramdhani Sahni and Sandeep Kumar have already been released on bail by co-ordinate Benches of this Court vide order dated 25.10.2021 passed in Criminal Miscellaneous No. 27803 of 2021, 23.11.2021 passed in Criminal Miscellaneous No. 27423 of 2021, 02.09.2021 passed in Criminal Miscellaneous No. 26514 of 2021, 23.11.2021 passed in Criminal Miscellaneous No. 27257 of 2021, 05.01.2022 passed in Criminal Miscellaneous No. 27304 of 2021 and 25.10.2021 passed in Criminal Miscellaneous No. 27783 of 2021. The petitioner seeks parity to be released on bail. The petitioner is in custody since 25.12.2020.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the aforementioned facts and circumstances of the case and period of custody undergone by the petitioner, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs.



Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge-cum-Special Judge, N.D.P.S. Act, East Champaran, Motihari in connection with N.D.P.S. Case No. 75 of 2020, arising out of Harsidhi P.S. Case No. 547 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

**(Purnendu Singh, J)**

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