

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21142 of 2022

Arising Out of PS. Case No.-285 Year-2021 Thana- KHAGAUL District- Patna

GAURAV KUMAR @ MAHAMUNI Son of Sunil Kumar Singh R/o-
Shahpur Ward No.- 5, P.S.- Shahpur, District - Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ghanshyam Tiwary

For the Opposite Party/s : Mr.Pramod Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 09-06-2022 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 regular bail in connection with
Special Case No. 174 of 2021 arising out of Khagaul P.S. Case
No. 285 of 2021 registered for the offences punishable under
Sections 8(c), 20, 22 of the N.D.P.S. Act.

As per prosecution case, the informant gave his
typed report before the Officer in charge of Khagaul police
station alleging therein that on 16.11.2021 he along with police
force were busy for checking the vehicle at DRM Chouraha. In
the meantime, one motorcycle was coming from Saguna More
and on the said motorcycle two youths were sitting. When



police official wanted to stop both the persons started fleeing but they were arrested. They disclosed their name as Gaurav Kumar @ Mahamuni (petitioner) and Pawan Kumar. On search 100 gram ganja was recovered from the dicky of the motorcycle and the said motorcycle was also seized.

Learned counsel for the petitioner submits that petitioner is in custody since 17.11.2021 and bears criminal antecedent of four cases and he is on bail in all cases. He further submits that alleged recovery of ganja comes under the category of small quantity. Petitioner is neither owner nor driver of the said motorcycle. He further submits that seizure list has not been prepared as per law. Petitioner is innocent and has falsely been implicated in this case by the informant only on suspicion.

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

Considering the facts and circumstances of the case as well as period of custody and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XXIV, Patna in connection with Special Case No. 174 of 2021



arising out of Khagaul P.S. Case No. 285 of 2021, subject to following conditions:-

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