

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34091 of 2021

Arising Out of PS. Case No.-59 Year-2021 Thana- AHIYAPUR District- Muzaffarpur

PRINCE KUMAR S/o Arvind Giri Resident of Village- Tegrahi Tole,
Dhaphar, P.S.- Siwaipatti, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 15-02-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in virtual court
proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Ahiyapur P.S.
Case No. 59/ 21 registered for the offences punishable under
Sections 25(1-b)a, 26, 35 of the Arms Act and Section 20/22 of
NDPS Act.

As per prosecution case, half kilogram of Ganja, two
live cartridges and one mobile were recovered from possession
of the petitioner. It is further alleged that altogether two country
made pistols, two live cartridges, two mobiles and one
motorcycle were recovered from possession of two co-accused



persons.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case. He further submits that it appears from the FIR as well as seizure list that two live cartridges, half kilogram of Ganja and mobile have been recovered from possession of the petitioner. He further submits that as per notification issued under the NDPS Act, 1985 commercial quantity of Ganja has been defined to be 20 kilogram. He further submits that it appears from the quantity of recovered Ganja that recovered Ganja is less than the commercial quantity and hence, there is no bar for this Court to grant bail to the petitioner and the petitioner is in custody since 26.01.2021.

The learned Additional Public Prosecutor vehemently opposed the prayer of bail.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Muzaffarpur in connection with Ahiyapur P.S. Case No. 59/ 21, 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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