

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22807 of 2022

Arising Out of PS. Case No.-44 Year-2022 Thana- BARGAINIA District- Sitamarhi

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Anil Kumar S/O Baiju Sah R/o village- Nandwara, P.S.- Bairgania, District- Sitamarhi

... .. Petitioner

Versus

The State of Bihar Bihar

... .. Opposite Party

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Appearance :

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

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 27-07-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Bairgania P.S. Case No. 44 of 2022 lodged under Sections 25
(1-B) (a)/26/35 of Arms Act read with Section 8/20 (b) (ii)(c) of
N.D.P.S. Act.

The prosecution case is that the police on regular
search to maintain law and order saw some persons standing
near Lalbakiya river, upon seeing the police, they started fleeing
away from the place, upon chase police have caught in total 5
persons including the present petitioner. As per the allegation
made in the F.I.R. a 'Realme smartphone' was recovered from
the possession of the petitioner whereas arms as well as Charas
have been recovered from the others' possession.

Learned counsel for the petitioner submits that there is nothing incriminate recovered from the possession of the petitioner. He further submits that petitioner is in custody since 19.02.2022 and having clean antecedent.

Learned Additional Public Prosecutor for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge cum Special Judge, N.D.P.S. Act, Sitamarhi in connection with Bairgania P.S. Case No. 44 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

The petitioner is directed to file an affidavit that he shall not involve in such type of activities during validity of the bail bonds, if he shall involve in such type of activities the prosecution shall be at liberty to move for cancellation of his bail bonds. Petitioner is further directed to appear on each and every date fixed by the Trial Court, in case of non-appearance for two consecutive dates without reasonable cause, shall resulted into cancellation of his bail bonds.

With this observation, the bail application stands
allowed.

(Dr. Anshuman, J.)

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