

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25590 of 2022

Arising Out of PS. Case No.-634 Year-2021 Thana- SAKRA District- Muzaffarpur

Rahul Kumar, S/o Chandra Shekhar Poddar, Resident of Village- Vishunpur
Bathna, P.S.- Pusa, Distt- Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar No1, Advocate

For the Opposite Party/s : Mr.Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 23-12-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

In the present case, the petitioner seeks bail in connection with Sakra P.S. Case No. 634 of 2021 (NDPS Case No. 23 of 2022), registered for the alleged offences under Sections 399, 402/34 of the Indian Penal Code, Sections 25(1-b)a/26/35 of the Arms Act and Sections 8, 20, 22 of NDPS Act.

As per prosecution case, on getting information about suspicious activities of five persons roaming on two motorcycles, the police reached the spot to verify the information. The two persons on a motorcycle fled away from the spot whereas, three persons, who tried to flee away on another motorcycle, were apprehended. The petitioner is one of the apprehended accused persons. From the possession of this petitioner, apart from a mobile phone and the motorcycle, a country made 'Katta' with one live cartridge was recovered. Further recovery of firearm and



ammunition was made from the co-accused Kamlesh Kumar apart from the recovery of 1 Kg of *charas*. Further recovery of 1 Kg of *charas* was made from the co-accused Vishundeo Paswan.

The learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. No psychotropic substance has been recovered from the possession of this petitioner. The motorcycle shown to be recovered from this petitioner belongs to him. Recovery of only incriminating article shown from this petitioner is a country made pistol and one live cartridge which the petitioner denies. So, no offence under Sections 8, 20 and 22 of NDPS Act is made out against the petitioner. Further, there is no material to show that the case would fall under Sections 399 and 402 of the Indian Penal Code. The learned counsel further submits that the police arrested the petitioner on 30.12.2021 and the officials of the police department addressed the press conference and disclosed the same which was reported in the newspaper, but the police has shown arrest in this case again on 31.12.2021 and it shows the manipulation by the police. The petitioner is in custody since 01.01.2022 and the charge sheet has been submitted.

Learned APP opposes the prayer for bail submitting that the petitioner is having criminal antecedents.

Having regard to the facts and circumstances of the case



and submissions made hereinabove and considering the period of custody of the petitioner along with submission of charge sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional District and Sessions Judge, Muzaffarpur, in connection with NDPS Case No.23 of 2022, arising out of Sakra P.S. Case No.634 of 2021, subject to the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

(Arun Kumar Jha, J)

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