

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25211 of 2022

Arising Out of PS. Case No.-201 Year-2021 Thana- KARJA District- Muzaffarpur

MANISH KUMAR @ MUNSI S/o Late Shivnandan Resident of Village-
Magauli, P.S.- Saraiya, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 05-08-2022 Heard learned counsel for the petitioner and the

learned APP for the State through virtual mode in view of

COVID-19.

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

The petitioner is in judicial custody in connection
with N.D.P.S. Case No.140/2021 arising out of Karja P.S. Case
No.201/2021 instituted under Sections 411,414/34 of the Indian
Penal Code and 25 (1-b)a, 26,35 Arms Act and Section 8, 20(b)
(ii)(A) of N.D.P.S .Act.

The allegation in the FIR is that the police upon
information, reached Gonaura Jhanda more where it found four
persons on two motorcycles coming towards them. Upon
waiting the police, they tried to escape but two of them were
apprehended. Thereafter, they were searched and it is alleged



that from this petitioner, 2.100 Kg. '*Ganja*' was recovered/seized beside a countrymade revolver and a mobile.

Learned counsel for the petitioner submits that he had absolutely no criminal antecedent and he has been apprehended by the police and even as per the FIR, they stated that recovery is of '*Ganja*' like material which clearly shows that even the police was not sure about the alleged recovery. He further submits that to exaggerate the case, the recovery/seizure of countrymade revolver has also been made in the FIR. He further submits that for the said alleged act he has suffered a lot by being in custody since 02.10.2021.

Taking into account the aforesaid fact that the police has recorded it as a '*Ganja*' like material, the petitioner is in custody since 02.10.2021 and charge-sheet already stands submitted, this Court is inclined to grant him privilege of bail. He also has no criminal antecedent. However, if it is found that he do have criminal antecedent this bail shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs.15,000/-(Rupees Fifteen Thousand) with two sureties of the like amount each in connection with N.D.P.S. Case No.140/2021 arising out of Karja P.S. Case No.201/2021



to the satisfaction of learned 2nd Additional Sessions Judge, Muzaffarpur, (Spl. Judge N.D.P.S.), subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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