

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26842 of 2022

Arising Out of PS. Case No.-176 Year-2021 Thana- GAIGHAT District- Muzaffarpur

Rambharosh Kumar, S/o Tapeswar Rai R/o village- Jamalpur Kodai, P.S.-
Gaighat, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate
For the Opposite Party/s : Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 26-08-2022 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.45 of 2021 arising out of Gaighat P.S.
Case No.176 of 2021 instituted under Sections 414/34 of the
IPC and Section 8/20/22 of the NDPS Act.

As per the allegation in the FIR, the police has alleged
that while on patrolling duty, it intercepted those riding a
motorcycle. While two persons successfully escaped, one Sunil
Rai was apprehended and from his motorcycle, it is alleged that
3.3 Kg. ‘*Ganja*’ was recovered/seized. He gave the name of the
persons who escaped as Sheo Shankar Rai and Rambharosh



Kumar (the petitioner herein).

Learned counsel for the petitioner submits that his name come in the confessional statement of the said Sunil Rai from whose motorcycle the '*Ganja*' was allegedly recovered/seized. It is his further submission that there has not been any recovery/seizure from his conscious possession and only because of the confessional statement of the said Sunil Kumar is in custody since 19.11.2021 (as stated in para-16 of the bail application) of the bail application.

Taking into account the aforesaid fact that the petitioner has not been arrested from the spot, his name has come in the confessional statement by the another accused Sunil Kumar, is in custody since 19.11.2021 and charge-sheet stands submitted, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with N.D.P.S. Case No.45 of 2021 arising out of Gaighat P.S. Case No.176 of 2021 to the satisfaction of learned 2nd Additional Sessions Judge, Muzaffarpur, 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/her bail by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take 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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