

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.41831 of 2021**

Arising Out of PS. Case No.-143 Year-2020 Thana- BRAHMPURA District- Muzaffarpur

INDRAJEET OJHA Son of Vinay Ojha @ Vinal Ojha Resident of Village-
Madukar Chapra, P.S.- Kanti, District- Muzaffarpur.

... .. Petitioner

Versus

1. The State of Bihar
2. The Union Of India, New Delhi.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Yugal Kishore, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 15-02-2022 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Brahampura P.S. Case No. 143 of 2020 registered for the offences punishable under Sections 420, 379, 467, 468, 471 of the Indian Penal Code, Section 25(1-b)a/26/35 of the Arms Act and Sections 8, 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short N.D.P.S. Act). He is in custody since 18.06.2020. The petitioner has got 4 criminal antecedent as stated in paragraph '3'.



Learned counsel for the petitioner submits that as per the prosecution story, the informant got secret information regarding presence of some criminals near MIT SBI ATM. Thereafter the informant along with other police officials reached there then on seeing the police vehicle some persons started fleeing away but the police party apprehended three accused persons including this petitioner and on search 500 grams of charas, firearms, live cartridge and other incriminating article were recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the recovered charas is less than the commercial quantity. The petitioner is in custody since 18.06.2020.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the fact that from possession of the petitioner allegedly 500 grams of charas, one country-made pistol and one live cartridge have been recovered but in connection with the present case the petitioner has remained in custody since 18.06.2020, the quantity of charas is less than the commercial quantity and the rigors of Section 37 of the N.D.P.S.



Act would not be attracted against him, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Spl Judge, Muzaffarpur in connection with Brahampura P.S. Case No. 143 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C.

Considering that the petitioner has got four criminal antecedents, though he is on bail in all those cases, till conclusion of the trial in this case the petitioner shall mark his attendance at least once in every two months before the S.H.O. of Kanti Police Station in the District of Muzaffarpur and shall keep on furnishing his complete whereabouts and mobile number to the S.H.O. If he is required to go outside the jurisdiction of the police station in connection with any employment etc. then also he will furnish his address and other information to the S.H.O. Non-compliance with this condition shall be reported by the S.H.O. of Kanti Police Station to the learned court below and steps shall be taken for cancellation of the bail of the petitioner.

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.

The application stands disposed of accordingly.

Let a copy of this order be sent to the Senior Superintendent of Police, Muzaffarpur for keeping the same on record and to ensure compliance thereof.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

