

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43597 of 2021

Arising Out of PS. Case No.-245 Year-2021 Thana- AHIYAPUR District- Muzaffarpur

RAM DAS KUMAR, Son of Jagarnath Sahni Resident of Village - Vijay
Chapra, P.S.- Ahiyapur, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan, Advocate

For the Opposite Party/s : Mr.Tarun Prasad Mandal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 25-02-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

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

The petitioner seeks regular bail in connection with
Ahiyapur P.S. Case No. 245 of 2021, for the offence punishable
under Sections 399, 402, 411 and 414/34 of the Indian Penal
Code and Section 25(1-b)a, 26 and 35 of the Arms Act and
Section 20 and 22 of the N.D.P.S. Act.

The prosecution case, in brief, is that on 03.04.2021,
the informant along with other Police personnel, on receiving
secret information regarding assembling of miscreants near
Lichi orchard to commit crime, the Police personnel reached
the place of occurrence and apprehended five persons named in
the F.I.R. including the present petitioner. On search,



half kilogram of Ganja and one looted mobile was recovered from the possession of the petitioner.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits that nothing has been recovered from the conscious possession of the petitioner, rather, the petitioner was arrested from his house and he has falsely been implicated showing recovery of half kg. of Ganja and one looted mobile. The petitioner is in custody since 04.04.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner. He further submits that petitioner has one criminal antecedent and he was found along with gang of criminals, who were planning to commit crime. He further submits that half kilogram along with one looted mobile has been recovered from the possession of the petitioner as such he does not deserve to be released on bail.

Having considered the rival submissions of the parties and perused the allegation made in the F.I.R. as well as material, which has come in course of investigation, it appears that half kilogram of Ganja and one mobile alleged to have been recovered from the possession of the petitioner, without going



into the merits of the case, considering the recovery of alleged half kilogram of Ganja, which is not commercial quantity, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge-cum-Special Judge, N.D.P.S. Act, Muzaffarpur in connection with Ahiyapur P.S. Case No. 245 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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