

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33740 of 2022

Arising Out of PS. Case No.-122 Year-2022 Thana- SARAIYA District- Muzaffarpur

CHANDAN KUMAR S/o Pradeep Ray R/o village- Rampur Mahua, P.S.-
Saraiya, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ganesh Prasad Singh, Advocate
For the Opposite Party/s : Mr. Mukeshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 09-09-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing in view of the
COVID 19.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is an accused in connection with
Saraiya P.S. Case No. 122 of 2022 under Sections 399 and 402
of the Indian Penal Code and section 25(1-b)a/26/35 of the
Arms Act as also section 8, 20 and 22 of the NDPS Act.

As per prosecution case, it is alleged that on secret
information of assembly of miscreants, the police personnel
raided the place of occurrence and apprehended four accused
persons including the petitioner herein and upon search, one live
cartridge, five sachets of smack weighing 1.80 mg and mobile



were recovered.

Learned counsel for the petitioner submits that so far as the present petitioner is concerned, the allegation against him is of recovery/seizure of cartridge and five sachets of smack as also a mobile. He further submits that for the same, he has suffered a lot by being in custody since 24.02.2022 (as stated in paragraph-10 of the bail application) despite the fact that he has no criminal antecedent. It is his last submission that one of the similar situated co-accused, namely, Nitesh Kumar has since been granted bail by a co-ordinate Bench of this Court vide order dated 03.08.2022 passed in Cr. Misc. No. 23902 of 2022.

Let the same be kept on record.

Considering the aforesaid fact that he is in custody since 24.02.2022, has no criminal antecedent, charge sheet stands submitted and one of the co-accused has since been granted bail, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned 1st Additional & Sessions Judge cum In-charge Special Judge, NDPS Act, Muzuffarpur in connection with NDPS Case No. 63 of 2022



arising out of Saraiya P.S. Case No. 122 of 2022, subject to the 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 his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight 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 take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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