

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33886 of 2022

Arising Out of PS. Case No.-70 Year-2022 Thana- SAKRA District- Muzaffarpur

GAURAV KUMAR @ GHUNTUN S/o Meghu Chaudhary Resident of
Village- Sambhunathpur, Dholi, P.S.- Sakra, District- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Amit Kumar Rakesh, Advocate

For the Opposite Party/s : Mr.Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 09-09-2022 Heard learned counsel for the parties in Virtual Court
Proceeding.

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

The case is registered under section 25(1-b)a, 26,
35 of the Arms Act & 8, 20, 22 of the N.D.P.S. Act, in
connection with N.D.P.S. Case No. 52 of 2021 arising out of
Sakra P.S. Case No. 70 of 2022.

As per the FIR, the allegation is that the police
personnel intercepted and apprehended the petitioner herein and
it is alleged that a country made pistol and cartridges were
recovered from his pocket. Further allegation against Suraj
Kumar is that one kg. of ‘Ganja’ was recovered from his
possession whereas from the third accused Gaurav Kumar



Thakur a Samsung mobile and 'Chilam' was recovered.

Learned counsel for the petitioner submits that he has no criminal antecedent and has been falsely implicated in this case by the police.

Taking into account the aforesaid facts that he has no criminal antecedent, is in custody since 8.2.2022 (as stated in para-8 of the bail application), charge-sheet stands submitted, this Court is inclined to grant him the privilege of bail. However, if it is found that he do have criminal antecedent, this bail order shall become infructuous.

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 2nd Additional Sessions Judge, Muzaffarpur, in connection with N.D.P.S. Case No. 52 of 2021 arising out of Sakra P.S. Case No. 70 of 2022 subject to the following conditions:

(i) one of the bailors should be the family members 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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