

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33858 of 2022

Arising Out of PS. Case No.-91 Year-2021 Thana- AHYAPUR District- Muzaffarpur

NANDAN KUMAR @ NANDAN SINGH @ NANDU SINGH S/o
Chandrasen Singh Resident of Village- Ramdiri, Police Station- Matihani,
District- Begusarai at present Resident of Chak Mohammad, Police Station-
Ahiyapur, District- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Dr. Alok Kumar Alok, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 09-09-2022 Heard Dr. Alok Kumar Alok, learned counsel for the

petitioner and Mr. Jitendra Kumar Singh, learned APP for the

State 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 20/22 of
N.D.P.S. Act and Section 25(1-b)/a/26 of Arms Act, in
connection with N.D.P.S. Case No. 11 of 2021 arising out of
Ahiyapur P.S. Case No. 91 of 2021.

As per the FIR, the informant, the police officer
upon confidential information that the petitioner is keeping
illegal arms and ammunition in his rented house, made a raid
and it is alleged that there was recovery/seizure of loaded pistol



with live cartridge and half kg. of 'Charas'. As he failed to provide any satisfactory answer and/or document about the presence of the said pistol/'Charas' he was taken into custody and the items were seized.

Learned counsel for the petitioner submits that he has no criminal antecedent and for the said alleged occurrence which has been forced upon him by the police, he is in custody since the date of occurrence, 6.2.2021 but has wrongly been incorporated as 7.2.2022 (in para-15 of the bail application).

Learned counsel for the State opposes the bail on the ground that there is recovery of 'Charas' also.

Considering the fact that the petitioner has no criminal antecedent, is in custody since 6.2.2021 and the charge-sheet stands submitted, this Court is inclined to grant him the privilege of bail. However, if it is found that the petitioner do have criminal antecedent, this bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs. 15,000/- (Fifteen thousand) with two sureties of like amount each to the satisfaction of Vth Additional Sessions Judge-Muzaffarpur, in connection with N.D.P.S. Case No. 11 of 2021 arising out of Ahiyapur P.S. Case No. 91 of 2021 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) he 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)

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