

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43637 of 2021**

Arising Out of PS. Case No.-286 Year-2021 Thana- AHIYAPUR District- Muzaffarpur

Pawan Kumar, Son Of Moje Bhagat @ Mojelal Bhagat, R/O Village- Kakra
Chak, P.S.- Bochahan, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar @ S.K., Adv.

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

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

3 28-02-2022 Learned counsel for the petitioner is granted two weeks time to remove all the defects.

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

Petitioner in the present case is seeking regular bail in connection with Ahiyapur P.S. Case No.286 of 2021 registered for the offences punishable under Sections 25(1-b)a/26/35 of the Arms Act and Sections 20/22 of the N.D.P.S. Act. He is in custody since 19.04.2021. The petitioner has got no criminal antecedent as per statement made in paragraph '3' of the supplementary affidavit.

Learned counsel for the petitioner submits that, as per the First Information Report, 500 gms of ganja was allegedly recovered from the possession of the petitioner.



Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that nothing incriminating has been recovered from the conscious possession of the petitioner. It is submitted that the petitioner is in custody in connection with this case since 19.04.2021 having no criminal antecedent.

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

Having regard to the submission that the petitioner was apprehended allegedly with 500 gms of Ganja which is much less than the commercial quantity and rigours of Section 37 of the N.D.P.S. Act would not be attracted in this case, the petitioner has remained in custody since 19.04.2021, investigation against him is complete and he has otherwise no criminal antecedent, this Court directs that the petitioner above named be released on bail on furnishing bail bond 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-Special Judge, Muzaffarpur in connection with Ahiyapur P.S. Case No.286 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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.

(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'.

