

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36234 of 2022

Arising Out of PS. Case No.-327 Year-2021 Thana- JAKKANPUR District- Patna

Arvind Kumar @ Baba S/o Ramchandrar Ram Resident of Mohalla- Ramji Chak, in front of Bata Factory, Gandhi Gali near Musahari, P.S.- Digha, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay, Adv.
For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 28-11-2022 Let the defect(s), if any, be removed within two weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Spl. Case No. 73 of 2021 arising out of Jakkanpur P.S. Case No. 327 of 2021 lodged under Sections 399, 401, 414 of the I.P.C. read with Sections 20(b),(ii)/(A)(B) of N.D.P.S. Act and Sections 25(1-B)A, 26, 35 of the Arms Act.

As per the prosecution case, the total recovery of 2300 gm of *Ganja*, one pistol, 3 live cartridges and other materials have been the subject to recovery in the present case.

Learned counsel for the petitioner submits that there

were 2 accused persons from whose possession 1100 gm of *Ganja* each have been recovered from their motorcycles. In addition to that from the petitioner's possession, one pistol and 3 live cartridges were also recovered. Counsel submits that petitioner is in custody since 20.07.2021. There are 2 criminal cases pending against the petitioner but both cases are not relating to N.D.P.S. material. Counsel submits that there is gross violation of Section 100 of Cr.P.C., charge sheet has already been filed in this case. Counsel further submits that the other co-accused from whose possession 1200 gm *Ganja* was recovered has been granted bail by the Co-ordinate Bench of this Court vide order dated 28.09.2022 passed in Cr. Misc. No. 36256 of 2022.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IX, Patna in connection with Spl. Case No. 73 of 2021 arising out of Jakkanpur P.S. Case No. 327 of 2021, subject to the conditions as laid down

under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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