

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45697 of 2021

Arising Out of PS. Case No.-106 Year-2021 Thana- MOKAMAH District- Patna

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NITISH KUMAR S/o NEVI BIND @ NEVI MAHTO R/o VILLAGE-
BARAHPUR, BIND TOLI, P.S-MOKAMA, DISTRICT-PATNA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anjana, Advocate.

For the Opposite Party/s : Mr.Rajeev Nayan, APP.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 14-02-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner, who is in custody since 09.04.2021,
seeks regular bail in connection with Special Case No. 42 of
2021 arising out of Mokama P.S. Case No. 106 of 2021 for the
offence punishable under Sections 20(b)(ii) and 22 of the
N.D.P.S. Act, Sections 399, 402, 411 and 414 of the Indian
Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act.

The prosecution case, in brief, is that on secret
information, the police party arrested the accused persons



named in the F.I.R. and on search loaded pistols, cartridges and mobile phones were recovered from the possession of accused persons and two motorcycles and 1.800 Kg of ganja were also recovered from the place of raid.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits that the recovered quantity of ganja is about 1.800 Kg which is less than the commercial quantity. Petitioner is in custody since 09.04.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner and submits that the present petitioner has been arrested at the spot along with other co-accused who were preparing to commit dacoity. Hence the petitioner does not deserve to be released on bail.

Considering the aforementioned facts and circumstances of the case, no arms as well as no prohibited items were recovered from conscious possession of the petitioner, petitioner is in custody since 09.04.2021 and the court below is directed to verify the criminal antecedent of the petitioner and if it is found that no other case is pending against the petitioner as stated in Para-3 of the present bail application, the petitioner, above named, is directed to be enlarged on bail on



furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-XXIV, Patna in connection with Special Case No. 42 of 2021 arising out of Mokama P.S. Case No. 106 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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