

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36256 of 2022

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

Chanaki @ Abhinash, son of Ashok Kumar Gupta, R/O Mohalla- Begampur,
Sidhe Bazar Near Shiv Mandir, P.S.- Bypass, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar, Advocate

For the Opposite Party/s : Mr.Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 28-09-2022 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with
Jakkanpur P.S. Case No.327 of 2021 corresponding to Special
Case No.73 of 2021 registered for the offence punishable under
Section 399/401/414 of the Indian Penal Code, Section 20(b)ii/
(A)(B) of the NDPS Act and Section 25(1-b)a/26/35 of the Arms
Act.

Earlier the petitioner had moved this Court for grant
of bail in Cr.Misc. No.11846 of 2022, which was dismissed vide
order dated 01.06.2022.

On an information regarding assembly of miscreants
near a school, the police personnel have arrived. The miscreants,
who started fleeing away, were apprehended and from their



possession, several articles have been recovered.

It is submitted by the petitioner's counsel that contraband (1200 gram *Ganja*) was recovered from co-accused Anup Kumar. From the petitioner, there is recovery of pistol and three live cartridges. The cellular phone recovered from the petitioner is his and therefore, it was in his possession *bona fide*. Co-accused Anup Kumar from whom the contraband has been recovered has since been allowed bail in Cr.Misc. No.71855 of 2022, vide order dated 18.05.2022. The instant petitioner has remained in custody since 20.07.2021.

Learned APP has opposed the prayer for bail.

Considering the rival submissions, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-IX, Patna, in connection with Jakkanpur P.S. Case No.327 of 2021 corresponding to Special Case No.73 of 2021, subject to the following conditions:



(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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