

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37761 of 2022

Arising Out of PS. Case No.-857 Year-2021 Thana- SARAIYA District- Muzaffarpur

Satish Kumar @ Birappan Son of Rameshwar Singh, Resident of Village-
Rewa Bichhla Tola, P.S.- Saraiya, District- Muzaffarpur, State- Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, APP

For the Opposite Party/s : Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 27-09-2022 Heard learned counsel for the petitioner and the
learned APP for the State.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Saraiya P.S. Case No.857 of 2021 (NDPS) Case No.17 of
2022) instituted under Section 25(1-b)a/26/35 of the Arms Act
and under Section 20/22 of the N.D.P.S. Act.

As per the prosecution story, the police upon secret
information, raided the Dakbunglow situated in Rewa village
and the accused person started escaping. One of them was
apprehended having a bag with him, the petitioner herein, upon
search, a loaded pistol and a live cartridge were
recovered/seized as also 01 Kg. 'Ganja'. He gave the name of
the person who escaped as Abhimanyu Kumar @ Mannu, Ankit



Kumar and Raushan Kumar. As he failed to provide any document relating to the alleged seizure, seizure list prepared, FIR instituted and he was taken into custody.

Learned counsel for the petitioner submits that he has suffered a lot by being in custody since 21.12.2021 (as stated in para-10 of the bail application).

Considering the allegation that has made, is in custody since 21.12.2021, charge-sheet stands submitted, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.25,000/-(Rupees Twenty Thousand) with two sureties of the like amount each in connection with Saraiya P.S. Case No.857 of 2021 (N.D.P.S. Case No.17 of 2022) to the satisfaction of learned A.D.J.,Ist,-cum-Special Judge, NDPS Act, Muzaffarpur, subject to following conditions:

(i) one of the bailor should be the family member 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 reason will entail cancellation of his bail by the Trial court itself;



(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again 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)

Prakash Narayan /-

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