

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.37452 of 2022**

Arising Out of PS. Case No.-46 Year-2022 Thana- GAIGHAT District- Muzaffarpur

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Golu Kumar S/o Mishri Lal Choudhary @ Mishrilal Kumar, Resident of  
Village- Masjid Chouk, P.S.- Mithanpura, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Gaurav Kumar, Adv.

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

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**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

2      22-09-2022                      Learned counsel for the petitioner submits that due to  
  
mistake he could not mention the date of custody in the petition  
  
and seeks permission to add the date of custody in appropriate  
  
paragraph.

Permission granted.

Learned counsel for the petitioner is directed to add  
  
the same in course of the day.

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  
  
Gaighat P.S. Case No. 46 of 2022, lodged under Sections 399,  
  
402, 414 of the Indian Penal Code read with Sections 25 (1-b)a,  
  
26, 35 of Arms Act and Section 8, 20(b) (ii) (B) of N.D.P.S. Act.

As per the prosecution case, there are 8 persons made accused in the present case under Arms Act, N.D.P.S. Act and different provisions of I.P.C.

Learned counsel for the petitioner submits that petitioner is not apprehended in this case, rather the arrested accused person, from whose possession the arms and N.D.P.S. material were recovered has disclosed the name of petitioner in this case. He further submits that neither arms nor N.D.P.S. material was recovered from the possession of petitioner. He further submits that the other co-accused persons have already been granted bail by the Co-ordinate Bench of this Court vide orders dated 28.07.2022 & 26.08.2022 passed in Cr. Misc. No. 18159 of 2022 & 24252 of 2022. He further submits that petitioner is in custody since 07.04.2022, having one case pending against him.

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 Special Judge, N.D.P.S. Act at

Muzaffarpur in connection with Gaighat P.S. Case No. 46 of 2022, 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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