

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46855 of 2021

Arising Out of PS. Case No.-173 Year-2021 Thana- MOTIHARI TOWN District- East
Champaran

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VISHNU KUMAR DAS Son of Tapendra Kumar Das Resident of Village -
Bangali Tola, Chhatauni Chowk, P.S.- Chhatauni, Motihari, Distt.- East
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gopal Govind Mishra, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 28-02-2022 Heard the learned counsel for the petitioner and Sri
Ganesh Prasad Singh, the learned APP for the State.

The petitioner seeks regular bail in connection
with Town PS case no. 173 of 2021 instituted for the offences
punishable under Sections 399, 400, 402, 115, 414 of Indian
Penal Code, Sections 25(1-B)a, 26, 35 of Arms Act and Sections
20(b), (ii), (c), 23(c) of the N.D.P.S. Act.

The allegation is regarding the police having
received secret information that some miscreants had gathered
at the place of occurrence with the intention of committing some
crime, whereafter the police had arrived at the spot and had
surrounded the miscreants, totaling five in number, out of which
three were standing on the road and two were sitting on a



motorcycle. The police force is stated to have arrested the said miscreants and upon search, various types of arms/ ammunition were recovered from the possession of the other co-accused persons, however as far as the petitioner is concerned, no recovery of arm/ ammunition was made. It is further alleged that upon search of the motorcycle in question, on which other two miscreants/ co-accused persons were sitting, 1.2 kg. of charas was recovered.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 13.03.2021. The learned counsel for the petitioner, by referring to paragraphs no. 8 and 9 of the present petition, has further submitted that admittedly, neither any arm/ ammunition nor the charas in question has been recovered from the conscious possession of the petitioner and moreover, the motorcycle in question, admittedly, also does not belong to the petitioner.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the



case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that no arms/ ammunition have been recovered from the conscious possession of the petitioner, apart from the fact that the charas recovered by the police has also not been recovered from the conscious possession of the petitioner and the petitioner is stated to be having a clean antecedent, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of IIIrd Additional District & Sessions Judge, Motihari, East Champaran in connection with Town PS case no. 173 of 2021.

(Mohit Kumar Shah, J)

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