

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37359 of 2022

Arising Out of PS. Case No.-30 Year-2022 Thana- BOCHAHAN District- Muzaffarpur

Vinay Kumar Son of Sudish Ray R/O Village- Pakri Basarat, P.S.- Sahebganj,
District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pandey, APP

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-09-2022 Heard learned counsel for the petitioner and the

learned APP for the State through virtual mode in view of

COVID-19.

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 N.D.P.S. Case No.37 of 2022 arising out of Bochahan P.S.
Case No.30 of 2022 instituted under Sections 399,402,414,120B
of the Indian Penal code and Section 25(1-b)a, 26,35 of the
Arms Act and Section 20, 22 of the N.D.P.S. Act.

As per the prosecution story, the police upon
patrolling duty and secret information intercepted a vehicle.
Although most of them managed to escape one of them, the
petitioner was apprehended and upon search one loaded
countrymade pistol was recovered from his waist while 1.5 Kg.



‘*Ganja*’ was recovered from the dickey of the car. Accordingly, seizure list prepared, FIR instituted and was taken into custody and is in jail since 25.01.2022.

Learned counsel for the petitioner submits that he is man of means and has been dragged in this case despite the fact that he has no criminal antecedent for which his mother had already submitted complaint before the Sahebganj Police Station as also to the Bihar Human Rights Commission and D.G.P., Bihar. It is his further submission that the petitioner wants to contribute to the Patna High Court Legal Services Committee, Patna Rs.10,000/- irrespective of the result of the case.

Considering the fact that he is in custody since 25.01.2022 and has no criminal antecedent, charge-sheet stands submitted, this Court is inclined to grant him privilege of bail subject to payment of Rs.10,000/- through Demand Draft by the State Bank of India, local Branch in favour of Patna High Court Legal Services Committee.

Let the petitioner be released on bail on furnishing bail bond of Rs.15,000/-(Rupees Fifteen Thousand) with two sureties of the like amount each in connection with N.D.P.S. Case No.37 of 2022 arising out of Bochahan P.S. Case No.30 of



2022 to the satisfaction of learned Second Additional Sessions Judge, 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 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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