

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48907 of 2021

Arising Out of PS. Case No.-159 Year-2021 Thana- AHYAPUR District- Muzaffarpur

SANDEEP KUMAR CHAUDHARY @ SANDEEP CHAUDHARI Son of
Late Muktinath Chaudhary Resident of Village - Baksa, P.S.- Sugauli, District
- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate

Mrs. Vaishnavi Singh, Advocate

For the Opposite Party/s : Mr. Ajit Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 05-05-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

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

The petitioner seeks regular bail in connection with
Ahiyapur P.S. Case No. 159 of 2021, for the offence punishable
under Section 30 (c) of the Bihar Prohibition and Excise Act,
Section 20/22 of the Narcotic Drugs Psychotropic Substances
Act and Sections 25(1-b)a, 26 and 35 of the Arms Act.

The allegation against the petitioner is that one
country made pistol, one live cartridge, one old iron made
pistol, 500 grams of Marijuana kept in a plastic bag, a pouch
sealing machine and several illicit articles were recovered from
the rented house of the petitioner. Altogether four accused



persons were named in the F.I.R. Accordingly, seizure-list was prepared and handed over to the petitioner.

Learned counsel appearing on behalf of the petitioner submits that the four persons have been made accused in the F.I.R. including the petitioner. The petitioner was apprehended on the spot. The alleged recovery was made from the rented house of the petitioner. He further submits that no incriminate articles nor any psychotropic substance was recovered from the possession of the petitioner. The petitioner is in custody since 03.03.2021, after being made accused in the present case subsequently two other cases were lodged while he was in custody on the date of alleged commission of offence. He further submits that one co-accused namely Santosh Sah, although he was not apprehended on the spot, has already been released on bail by this Court vide order dated 23.03.2022 passed in Criminal Miscellaneous No. 48219 of 2021. There is no allegation of tampering the evidence or influencing the witnesses and as such the petitioner deserves to be released on bail.

Sri Ajit Kumar, learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the aforementioned facts and



circumstances of the case and allegation made in the F.I.R. as well as period of custody undergone by the petitioner, without going into the merits of the case, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. One Lakh with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Muzaffarpur in connection with Ahiyapur P.S. Case No. 159 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(5) The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has



**been stated in paragraph No.3 of the bail application, this
order will automatically loose its force.**

(Purnendu Singh, J)

manish/-

U		T	
---	--	---	--

