

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39120 of 2022**

Arising Out of PS. Case No.-497 Year-2020 Thana- KANTI District- Muzaffarpur

RAKESH KUMAR S/O LATE MAHESH TIWARY Resident of Satsang
Nagar, Road No. 5, P.S.- Ahiyapur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar
For the Opposite Party/s : Mr.Mithlesh Kumar Khare

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 14-11-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Kanti P.S.
Case No. 497/2020 registered for the offences punishable under
Section 401 of the Indian Penal Code, U/S 8/20(b)(ii)(c)/22(c)
of the N.D.P.S. Act and U/Ss 25(1-b)a/26/ 35 of the Arms Act.

As per prosecution case, there is alleged recovery of
one loaded country made pistol from the possession of the
petitioner.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case. The petitioner is languishing in custody since 20.08.2020



and bears no criminal antecedent. Nothing has been recovered from the conscious possession of the petitioner rather the recovery of country made pistol has been shown falsely from the possession of the petitioner. He further submits that co-accused Sonu Kumar, Rohit Kumar and Vikash Kumar against whom recovery of 01 kg. contraband goods like Charas was made from the joint possession, have already been granted bail by the co-ordinate Benches of this Court vide Cr. Misc. No.5508/2021 and 13665/2021 respectively. As per prosecution case, the contraband goods like Charas has been recovered from three other co-accused. There is completely violation of Section 50 of the N.D.P.S. Act and there is no proper procedure has been followed by the informant while preparing seizure list of the Narcotics Substance.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties



of the like amount each to the satisfaction of learned court of Sessions Judge, Muzaffarpur in connection with Kanti P.S. Case No. 497/2020, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

amitkumar/-

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

