

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40532 of 2022

Arising Out of PS. Case No.-42 Year-2022 Thana- SAKRA District- Muzaffarpur

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1. CHANDAN KUMAR Son of Dinesh Sahni Resident of Village - Sahpur Maricha, P.S.- Maniyari, Distt.- Muzaffarpur.
 2. Kundan Kumar Son of Dinesh Sahni Resident of Village - Sahpur Maricha, P.S.- Maniyari, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Priyanka Singh, Advocate
For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 13-10-2022 Heard Ms. Priyanka Singh, learned counsel for

the petitioner and Dr. Kumar Uday Pratap, learned APP for

the State.

Let the defect(s), if any, as pointed out by the office

be removed within four weeks.

The petitioner is in judicial custody in connection

with NDPS Case No. 39 of 2022 arising out of Sakra P.S.

Case No. 42 of 2022 for the offences under Sections 412/34

of the Indian Penal Code and Section 8, 20, 22 of NDPS Act



and Section 25(1-b)a, 26, 35 of Arms Act.

As per the prosecution story, it is alleged that three persons riding on a motorcycle were intercepted and upon search, a bag was found hanging in the handle of the motorcycle from which 1 kg 'ganja' was recovered. Further from the petitioner No. 1, a country made 'katta' and two live cartridges were also recovered. So far as the petitioner No. 2 were concerned, nothing was recovered.

Learned counsel for the petitioner submits that the bag was present in the handle and the same cannot be attributed to the present petitioners. So far as the recovery/seizure of the country made pistol and live cartridges are concerned, they have already suffered by being in custody since 31 January, 2022 despite the fact that they do not have criminal antecedent.

Taking into account the aforesaid averments made, the period of custody (31.1.2022), chage-sheet stands submitted and they do not have criminal antecedent, this Court is inclined to grant them the privilege of bail.

If, however, it is found that any of them do have criminal antecedent, the bail order shall become infructuous.

Let the petitioner be released on bail on furnishing



bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge 2nd-cum-Special Judge, Muzaffarpur, in connection with NDPS Case No. 39 of 2022 arising out of Sakra P.S. Case No. 42 of 2022 subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show their bona fide;

(ii) the petitioners 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 their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at



liberty to take steps for cancellation of their bail bonds.

With the aforesaid observations, the bail application
is allowed.

(Rajiv Roy, J)

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