

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42473 of 2022

Arising Out of PS. Case No.-151 Year-2021 Thana- BARURAJ District- Muzaffarpur

VINAY KUMAR S/o Doman Ray, R/o Village- Salempur, P.S.- Lalganj,
District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bela Singh, Advocate

For the Opposite Party/s : Mr.Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 02-11-2022 Let the defect, if any, be removed within two weeks
from today.

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

The petitioner seeks regular bail in connection with
Baruraj P.S. Case No. 151 of 2021 (N.D.P.S. Case No. 109 of
2021) lodged under Sections 25(1-b)a, 26 and 35 of Arms Act
and section 20 and 22 of N.D.P.S. Act.

As per prosecution case, the recovery of 01 kg. *Ganja*
and arms are the subject matter of the present case.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He further
submits that NDPS material has not been recovered from the
possession of the petitioner rather only 3 live cartridges have

been recovered from his possession due to which criminal case is going on against the present petitioner. Counsel further submits that there are 3 cases pending against the petitioner and in all cases he is on bail. He further submits that petitioner is in custody since 09.08.2021 and ready to fulfill all the conditions whatsoever shall be imposed upon him by the court. Counsel for the petitioner further submits that other co-accused from whose possession NDPS material has been recovered has already been granted bail by the Co-ordinate Bench of this Court.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-II, Muzaffarpur in connection with Baruraj P.S. Case No. 151 of 2021(N.D.P.S. Case No.109 of 2021), subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates

without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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