

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52413 of 2021

Arising Out of PS. Case No.-158 Year-2018 Thana- BAKHTIYARPUR District- Patna

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HAPPY KUMAR @ HAPPY SINGH Son of Sadhu Singh @ Avdhesh Singh
Resident of Village- Sirsi, P.S.- Bakhtiyarpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raj Krishan Jha, Adv.

For the Opposite Party/s : Mr.Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-01-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

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

The petitioner seeks bail in connection with Special Case No.24 of 2018/ 156 of 2018 arising out of Bakhtiyarpur P.S. Case No. 158 of 2018 registered for the offence under Sections 20 and 22 of the N.D.P.S. Act and Section 25(1-b)a, 26 and 35 of the Arms Act.

According to the prosecution case, on a raid conducted by the police in the house of petitioner, three persons have been apprehended and on their search, cash of



Rs. 11000/- and a loaded country made pistol along with a cartridge of 315 have been recovered. On interrogation, they disclosed that some looted articles from Athmalgola has been kept beneath the bed. Further, 1/2 kg of Ganja has been recovered beneath the bed (Chauki) kept in the room of the petitioner.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. In fact, nothing has been recovered from the conscious possession of the petitioner rather the alleged recovery has been made from the possession of the co-accused, namely, Guddu Kumar and Sourabh Kumar, on whose disclosure the petitioner has been apprehended in this case. The petitioner has not been arrested from the spot. Moreover, the co-accused, namely, Sadhu Singh @ Awadhesh Singh and Sourabh Kumar @ Bahira, who have been arrested from the spot, have already been granted bail by a co-ordinate Bench of this Court vide order dated 11.10.2018 and 14.05.2018 passed in Cr. Misc. No.62678 of 2018 and Cr. Misc No. 29787 of 2018, respectively. The petitioner is rotting in judicial custody since 17.09.2020.

Learned A.P.P. for the State has opposed the prayer



for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-XXVI, Patna -cum- Special Judge, N.D.P.S. Act, Patna in connection with Special Case No.24 of 2018/156 of 2018 arising out of Bakhtiyarpur P.S. Case No. 158 of 2018 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his



criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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