

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57365 of 2021

Arising Out of PS. Case No.-147 Year-2020 Thana- AHIYAPUR District- Muzaffarpur

Chotu Kumar @ Dharmendra Kumar @ Chhotu Kumar S/o Ramlal Bhagat
Resident of Village- Jhapahan, P.S.- Ahiyapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad

For the Opposite Party/s : Mr. Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-04-2022 Let the defects, if any, be removed within four weeks
from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in connection
with Ahiyapur P.S. Case No. 147 of 2020 for the offences
punishable under Sections 414/34 of the Indian Penal Code and
section 20,22 of the N.D.P.S Act.

As per prosecution case, On a secret information, one
car and a Motorcycle was intercepted and on search a bag
containing 1 kg Ganja was found hanging on the motorcycle.
The co-accused Indal Paswan was caught and disclosed the
name of three persons including this petitioner Chhotu Kumar@
Dharmendar Kumar@ Chhotu Kumar.



Learned counsel for the petitioner submitted that nothing has been recovered from possession of the petitioner. Petitioner was only sitting in the car from where no recovery was made. It is next submitted that petitioner has got clean antecedent and he is in custody since 27.01.2021. Further the investigation has already been completed and the charge sheet has already been submitted.

The learned A.P.P has vehemently opposed the prayer for bail of the petitioner.

Having heard the rival contentions of the parties and taking into consideration the fact that recovery has been made from a bag which was hanging in the motorcycle. There is no recovery from a car, where the petitioner was sitting, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge N.D.P.S cum Additional Sessions Judge VIII, Muzffarpur in connection with Ahiyapur P.S.Case No. 147 of 2020, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.



(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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