

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63993 of 2021**

Arising Out of PS. Case No.-102 Year-2021 Thana- MUSAHARI District- Muzaffarpur

NIRAJ KUMAR Son of Late Dharikshan Rai Resident of Village - Kalwari
Madhuban, P.S.- Kanti, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 31-03-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 399, 402 of the Indian Penal
Code read with Sections 25(1-b)a, 26 and 35 of the Arms Act
and Sections 20 and 22 of the NDPS Act.

Learned counsel for the petitioner submits that the
petitioner is in custody since 14.06.2021, charge-sheet has been
submitted and has antecedent of two cases.

Allegation is of recovery of 50 gram of charas from
the petitioner.

Learned counsel for the petitioner submits that
petitioner has been falsely implicated in the present case based



on his antecedent and nothing was recovered from the possession of the petitioner. Even assuming what has been alleged is true without admitting the same for the purposes of bail, the alleged recovery is less than small quantity.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner and submits that petitioner has two criminal antecedent even.

Considering the fact that the petitioner is in custody since 14.06.2021, charge-sheet has been submitted and the alleged recovery is of less than small quantity, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with NDPS Case No. 67 of 2021 arising out of Mushahari P.S. Case No. 102 of 2021, subject to the condition that one of the bailors shall be the maternal uncle (Kameshwar Ray) of the petitioner.

(Satyavrat Verma, J)

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