

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65140 of 2021

Arising Out of PS. Case No.-170 Year-2021 Thana- KANTI District- Muzaffarpur

Prem Kumar S/o Ganaur Sahani Resident of Village- Chhapra Manorath, P.S.-
Kanti, Dist- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pandey, Advocate
For the Opposite Party/s : Mr. J.K. Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-05-2022 Heard learned counsel for the petitioner and Mr.
Jitendra Kumar Singh, learned APP for the State.

The petitioner is in judicial custody in connection with D.R.I. (N.D.P.S.) Case No. 20 of 2021, arising out of Kanti P.S. Case No. 170 of 2021 registered under sections 399, 400 and 402 of the Indian Penal Code and 25(1-b) a, 26, 35 of the Arms Act as well as Section 20, 22 of the N.D.P.S. Act.

The prosecution story alleges that the police upon information, raided the place of occurrence where some accused persons were assembled. Although, out of nine accused persons, six managed to flee away, three accused including the petitioner herein were apprehended and search was made.

It has been alleged in the FIR that so far as this petitioner is concerned, a loaded country made pistol and live



cartridge as also an unnumbered motorcycle were recovered from his possession. It has further been alleged that from accused Sanjeev Kumar, a country made revolver with cartridges including 325 grams of 'Charas' were recovered.

Learned counsel for the petitioner submits that he has no criminal antecedent, charge-sheet has already been submitted and he is in jail since 5.3.2021 i.e. from the day the FIR was registered.

Taking into account the aforesaid facts that charge-sheet has already been submitted and he is in custody since 5.3.2021; this Court is inclined to grant the privilege of bail to the petitioner. However, if it is found by the learned court below that contrary to the statement made in para-3 of the bail application (that he do have criminal antecedent), this bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty thousand) with two sureties of like amount each to the satisfaction of learned 8th Additional Sessions Judge, Muzaffarpur, in connection with D.R.I. (N.D.P.S.) Case No. 20 of 2021, arising out of Kanti P.S. Case No. 170 of 2021 subject to the following conditions:-

(i) one of the bailors should be the family members of



the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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