

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65607 of 2021

Arising Out of PS. Case No.-228 Year-2021 Thana- MOTIPUR District- Muzaffarpur

Anil Kumar Bhagat Son of Daroga Bhagat Resident of Village - Brit Barji,
P.S.- Motipur, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ritwik Thakur, Adv.
	:	Mrs. Vaishnavi Singh, Adv.
For the Opposite Party/s	:	Mr. Jagdhar Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 12-10-2022 Let the defect(s), 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
N.D.P.S. Case No. 85 of 2021 arising out of Motipur P.S. Case
No. 228 of 2021, lodged under Sections 399, 400, 402, 120(B)
of the Indian Penal Code read with Section 25(1-b)a/26/35 of
Arms Act and Section 20/22 of N.D.P.S. Act.

As per prosecution case, the Police has apprehended
one silver colour Alto car and lodged criminal case against 4
known and 1 unknown accused persons. Allegation against the
present petitioner is that a country made pistol, one live
cartridge and 100 gram *Charas* like substance has been

recovered from his possession and 300 gram of *Charas* like substance has been recovered from the front cabin of car.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further submits that antecedent of petitioner is clean and he is in custody since 07.07.2021. He further submits that recovery of 100 gram *Charas* like substance has been alleged against the petitioner and as per N.D.P.S. Act 100 gram *Charas* is lower than the small quantity. He also submits that petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him by the 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 District & Sessions Judge -cum- Special Judge, N.D.P.S. Act, Muzaffapur in connection with N.D.P.S. Case No.85 of 2021 arising out of Motipur P.S. Case No. 228 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 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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