

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67986 of 2021

Arising Out of PS. Case No.-197 Year-2021 Thana- MANIYARI District- Muzaffarpur

RAVINDRA KUMAR Son of Sri Nagendra Rai Resident of Village -
Bishunpur Gidha, P.s.- Maniyari, Distt.- Muzaffarpur, Pin Code.-842002
(Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhen Sarkar, Advocate
Mr. Amit Anand, Advocate
For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 19-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with N.D.P.S Case No.75 of 2021 arising out of Maniyari P.S. Case No. 197 of 2021 registered for the alleged offences under Sections 413 and 414 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act and Sections 20, 22 and 8 of the Narcotic Drugs and Psychotropic Substances Act.

As per prosecution case, the motorcycle of the



petitioner was intercepted during the checking of vehicles and the petitioner was apprehended after chase. From this petitioner, a loaded country made pistol one live cartridge and 20 sachets of *charas* were recovered. The motorcycle was also found to be stolen.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. Due to enmity of the petitioner with his uncle, the petitioner has been falsely implicated in this case as land dispute is going on between the petitioner and his uncle. The prosecution story is not believable that a person riding a stolen motorcycle would carry illegal fire arms as well as *charas* in his possession. Actually, the petitioner was apprehended from his house on 23.06.2021 and for the illegal arrest, the sister-in-law of the petitioner has given an application to the Senior Superintendent of Police, Muzaffarpur on 23.06.2021 itself and thereafter the F.I.R has been registered on 25.06.2021. Learned counsel further submits that seizure list of the seized *charas* was not made at the spot and the seizure lists does not mention the weight of the seized article. However, during investigation, the same was stated to be weighing around 9 gm which is less than the commercial quantity. Charge sheet has been submitted in



this case and the petitioner is in custody since 27.06.2021

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the petitioner was apprehended with country made pistol, cartridge and narcotic substance and F.S.L. report shows it was heroin.

Perused the record.

Having regard to the facts and circumstances and considering the allegation of recovery of *charas* whereas the F.S.L. report shows the substance sent for examination was heroin and also considering the period of custody of this petitioner and probability of false implication which cannot be ruled out, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 8th Additional Sessions Judge -cum- Special Judge N.D.P.S. Act at Muzaffarpur, District-Muzaffarpur in connection with N.D.P.S. Case No. 75 of 2021 arising out of Maniyari P.S. Case No. 197 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.



(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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