

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68271 of 2021

Arising Out of PS. Case No.-98 Year-2021 Thana- AURAI District- Muzaffarpur

RAJA KUMAR @ RAHUL KUMAR Son of Sanesh Prasad Singh Resident
of Village- Mahrauli Urf Madhsuli, P.S.- Aurai, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anant Kumar Mishra

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 13-05-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner seeks regular bail in connection with
Aurai P.S. Case No. 98 of 2021, for the offence punishable
under Section 399 and 402 of the Indian Penal Code and Section
25(1-b)a and 26 of the Arms Act and Section 20,22 of the
N.D.P.S Act.

Allegation is recovery of 5 Kg. 20 gram ganja and one
country made pistol from the possession of the petitioner.

Learned counsel appearing on behalf of the petitioner
submits that the total quantity of Ganja recovered from from the
possession of the petitioner is 5.20 Kg which much below the
commercial quantity. The petitioner is in custody since



23.05.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner and submits that petitioner is a member of the gang, who is involved in sell and purchase of psychotropic drugs and in the present case Ganja along with country made pistol has been recovered from the possession of the petitioner, the petitioner does not deserve to be released on bail.

Having considered the nature of allegation and total recovery of Ganja, which is below the commercial quantity, without going into the merits of the case taking into consideration the period of custody undergone by the petitioner, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-VIII, Muzaffarpur in connection with Aurai P.S. Case No. 98 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.



(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(5) The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will automatically loose its force.

(6) The petitioner will make his attendance before the concerned Police Station under which his house is located every fortnight till conclusion of the trial and on any single default without any valid reasons on the part of the petitioner, his bail bonds shall be cancelled and the concerned SHO of the Police Station shall submit his monthly attendance report to the Superintendent of Police having jurisdiction.

(Purnendu Singh, J)

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