

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67997 of 2021

Arising Out of PS. Case No.-261 Year-2021 Thana- AHIYAPUR District- Muzaffarpur

AVINASH KUMAR Son of Raghbendra Pratap Singh @ Raghvendra Prasad
Singh Resident of Village- Bara Jagarnnath, P.S.- Ahiyapur, District-
Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Bela Singh, Advocate

For the Opposite Party/s : Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 20-09-2022 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 Ahiyapur P.S. Case No. 261 of 2021 registered for the alleged offences under Sections 399, 402 and 34 of the Indian Penal Code and Sections 25(1-B)a, 26 and 35 of the Arms Act and Sections 20 and 22 of N.D.P.S Act.

As per prosecution case, police received secret information about assembly of 6-7 variously armed youths who were making preparation for commission of some big crime. A raid was conducted at this place and four persons were



apprehended from there and three persons escaped. The petitioner is one of the apprehended persons and from this petitioner 500 gm of cannabis was recovered along with a mobile phone. The recovery of fire arms, ammunition, mobile phone and cannabis were also made from the other apprehended persons.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case and nothing has been recovered from his conscious possession. The petitioner has no concern with the allegedly seized articles or the accused persons apprehended from the spot. The search and seizure has not been made as per the provisions of law and signature of petitioner was obtained on seizure list under compulsion. Moreover, the seized article is less than the commercial quantity as notified by the government order. Charge sheet has been submitted in this case and the petitioner is in custody since 09.04.2021. The petitioner has got no criminal antecedent.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the F.S.L. report has been called for and it shows the seized contraband was *charas* (cannabis). It was recovered from the possession of this petitioner who was apprehended while making preparation for some big crime.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the



submission of charge sheet along with period of custody of the petitioner and his clean antecedent, 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 Special Judge, (N.D.P.S)-cum -8th Additional Sessions Judge, Muzaffarpur, in connection with Ahiyarpur P.S. Case No. 261 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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