

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1332 of 2022

Arising Out of PS. Case No.-166 Year-2021 Thana- KATRA District- Muzaffarpur

MUNNA KUMAR SINGH Son of Ram Naresh Singh Resident of Village-
Katra, P.S.- Katra, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rudal Singh, Advocate

For the Opposite Party/s : Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 03-08-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Katra P.S.
Case No. 166 of 2021 registered for the offence under Section
414, 420, 120(B) and 34 of the Indian Penal Code and under
Sections 25(1-B)a, 26 and 35 of the Arms Act and Section 20
and 22 of the N.D.P.S. Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 09.07.2021.

The allegation against the petitioner is to have in
possession of of three (3) country made pistol, 55 live cartridges
and 500 gm. contraband i.e. charas like substance.



Learned counsel appearing on behalf of the petitioner submitted that petitioner has been falsely implicated in present case due to his criminal antecedent as he involved in 7 more criminal cases, in which he is on bail. It is submitted that recovery is made from the bag, recovered contraband is less than commercial quantity, and as such provision under Section 37 of the Cr.P.C. is not attracted in this case. It is also submitted that maximum punishment upon conviction is of three(3) years for alleged offence, where petitioner is in custody since 09.07.2021. It is further submitted that provision of Section 50 of N.D.P.S. Act and Section 100(4) of the Cr.P.C. was not complied with as regard to search upon the person and preparation of seizure list respectively. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, and also considering the custody period in the background of the fact as recovered contraband i.e charas like substance is less than commercial quantity coupled with the fact that charge-sheet has already been submitted, let the petitioner,



above named, is directed to be released on bail in connection with Katra P.S. Case No. 166 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Spl. Judge, Muzaffarpur/concerned court, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Ajay Kumar; who is the elder brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

R.S.Sen/-

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