

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3521 of 2023

Arising Out of PS. Case No.-323 Year-2021 Thana- SAHPUR District- Patna

=====

Ravi Shankar Kumar @ Ravi Singh Son of Bipin Kumar @ Bipin Singh
Resident of Village - Pirauta, P.S.- Akabarpur, District - Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Jayram Sharma, Advocate

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

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 27-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

3. Petitioner seeks bail who is in custody since 28.06.2022 in connection with Spl. Case No. 229 of 2021 arising out of Sahpur P.S. Case No. 323 of 2021, F.I.R. dated 21.08.2021 for the offences punishable under Sections 8, 20(b) (ii)(B) and 29 of the NDPS Act and Section 25(1-b)a, 26 and 35 of the Arms Act.

4. According to prosecution case, many incriminating articles have been recovered from the possession of the other accused persons and it is alleged that the petitioner is also the



member of the unlawful assembly who fled away from the place of occurrence.

5. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case on the basis of the disclosure made by the co-accused person. He further submits that it appears from the F.I.R. as well as seizure list that no incriminating article has been recovered from the possession of the petitioner rather the recovery has been made from the other accused persons. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Deepak Jha @ Deepak has been granted bail by a co-ordinate Bench of this Court vide order dated 01.04.2022 passed in Cr. Misc. No. 4077 of 2022 and co-accused, namely, Rahul Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 22.04.2022 passed in Cr. Misc. No. 9838 of 2022. The petitioner is in custody since 28.06.2022.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries four criminal antecedents other than the present one but fairly submits on the basis of paragraph



3 of the bail petition that the petitioner has been acquitted in Bihta P.S. Case No. 342 of 2010 and he is on on bail in rest all the three cases.

7. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Court of NDPS Act, Patna in connection with Spl. Case No. 229 of 2021 arising out of Sahpur P.S. Case No. 323 of 2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

3. And further condition that the court below shall verify the criminal antecedent of the



petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Vanisha/-

U		T	
---	--	---	--

