

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4255 of 2023

Arising Out of PS. Case No.-504 Year-2022 Thana- KANTI District- Muzaffarpur

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ARUN KUMAR Son of Bhola Prasad Gupta @ Manoj Kumar Resident of
Village - Banghara, P.O.- Ghosaut, P.S.- Siwaipatti, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 27-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
30.07.2022 in connection with N.D.P.S. Case No. 206 of 2022,
arising out of Kanti P.S. Case No. 504 of 2022 F.I.R. dated
30.07.2022 for the offences punishable under Sections 399, 400,
401, 402, 414, 411 of the Indian Penal Code and Section 25(1-
b)a, 26, 35 of the Arms Act and Section 8/21(b) of N.D.P.S. Act.

Recovery is of total 10 grams of Heroin, one loaded
pistol and one mobile phone and two motorcycle from the
possession of co-accused persons including the petitioner.

Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that bare perusal of F.I.R. as
well as seizure list that nothing was recovered from the



conscious possession of the petitioner rather the recovery has been made from the co-accused persons namely, Pankaj Kumar and Chhotu Kumar. He further submits that similarly situated, co-accused, namely, Ashutosh Kumar @ Sonu Kumar who was also apprehended with the petitioner has been granted bail by a co-ordinate Bench of this Court vide order dated 16.12.2022 passed in Cr. Misc. No. 56115 of 2022. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 30.07.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one, in which he is on bail.

Considering the aforesaid facts and circumstances, nothing has been recovered from the conscious possession of the petitioner, 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 Additional Sessions Judge-3rd, Muzaffarpur in connection with N.D.P.S. Case No. 206 of 2022 (Kanti P.S. Case No. 504 of 2022), 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)

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