

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11906 of 2023**

Arising Out of PS. Case No.-816 Year-2022 Thana- KANTI District- Muzaffarpur

NIRANJAN KUMAR SINGH S/O Rabindra Singh R/O Village- Kapur
Pakari, P.S- Sikarganj, District- Motihari (East Champaran)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan, Advocate

For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 13-07-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 28.11.2022 in connection with Kanti P.S.Case No.816 of 2022, F.I.R. dated 27.11.2022 registered for the offence punishable under Section 414 of IPC, Sections 8/20(b)(ii)(c) of the N.D.P.S. Act and Sections 25(1-b)a,26,35 of Arms Act.

3. As per the prosecution case, it is stated by the informant that on accused persons being stopped and searched, 26 kgs of Ganja was recovered from one motorcycle on which Manish Kumar, Rahul Kumar and Niranjana Kumar were seated. On the other motorcycle being searched on which the other co-accused persons were seated a loaded



pistol with two live cartridges were recovered from the possession of co-accused-Ram Nath Sah @ Bhandari.

4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. Further submits that the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. Further submits that from bare perusal of the FIR as well as the seizure list that altogether 26 Kg 300 Gm of Ganja was recovered from possession of the petitioner and other co-accused persons, namely, Manish Kumar and Rahul Kumar. Further submits that co-accused person, namely, Rahul Kumar has been granted bail by the learned court below itself vide order dated 27.02.2023 passed in NDPS Case No.19 of 2023 arising out of Kanti P.S.Case No.816 of 2022. Co-accused person, namely, Rohit Kumar @ Md. Tauhid@ Tauheed has been granted bail vide order dated 05.07.2023 passed in Cr. Misc. No.6896 of 2023 and co-accused person, namely, Manish Kumar, who was apprehended alongwith the petitioner, has been granted bail vide order dated 11.07.2023 passed in Cr. Misc. No. 13207 of 2023 by different Coordinate Benches of this Hon'ble Court and the police,



after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 28.11.2022.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, 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 learned Sessions Judge-cum-Special Judge, NDPS, Muzaffarpur in connection with Kanti P.S.Case No.816 of 2022, with the following conditions:-

(I) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) 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)

Nitesh/-

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

