

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20724 of 2023

Arising Out of PS. Case No.-194 Year-2022 Thana- MANJHAGARH District- Gopalganj

Ajay Kumar Singh Son Of Ramnaresh Singh Resident Of Village- Sundarpur
Ps- Barhariya, District- Siwan Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indrajeet Bhushan

For the Opposite Party/s : Mr.Vinod Shanker Modi

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 30-05-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Tr. No.

43 of 2022, arising out of Manjhagarh P.S. Case No. 194 of

2022, registered for the offences punishable under Sections

399, 402, 414, 420, 467, 468 and 471 of the IPC,

Sections 25(1-B)a, 26 and 35 of the Arms Act and Sections

20, 22 and 29 of the NDPS Act.

As per prosecution case, police received secret

information about gathering of some criminals at some

identified place. A raid was conducted and police found seven

persons carrying shoulders bag sitting on motorcycles and



talking with each other. Three of them were apprehended and four of them fled away from the spot. The petitioner is one of the apprehended person. From the petitioner, charas like substance weighing 552 gms were recovered. Similar recoveries were also made from other co-accused persons.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the possession of the petitioner. No local person was made as a witness of the seizure list and seizure list witnesses are police personnel. Petitioner has no concern with FIR named other co-accused persons. There is complete violation of provisions of NDPS Act. There is no FSL report to show that the seized contraband was charas. Moreover, the recovered charas is below the commercial quantity. The FIR named co-accused Vijay Kumar Singh has been granted bail by Co-ordinate Bench vide order dated 21.02.2023 passed in Cr. Misc. No. 64427 of 2022. The case of the petitioner is almost similar.

The petitioner is in custody since 20.06.2022 and



charge sheet has been submitted.

It has also been stated in paragraph no. 3 of the bail petition that earlier the petitioner is made accused in four other cases also.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, learned APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of ₹10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District & Sessions Judge, Gopalganj, in connection with Tr. No. 43 of 2022, arising out of Manjhagarh P.S. Case No. 194 of 2022, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that



investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has concealed his criminal antecedents, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a



period of one month and the Registry is directed to issue the
certified copy of this order only after removal of office
objections.

(Jitendra Kumar, J)

Amrendra/-

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