

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29138 of 2023

Arising Out of PS. Case No.-25 Year-2023 Thana- BIHPUR District- Bhagalpur

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Gaurav Kumar @ Gourav Kumar Singh @ Chhotu Son Of Vidyasagar Singh
@ Bidhya Sagar Singh @ Vidya Sagar Singh R/O Village- Mahesbara, P.S.-
Nowkothi, District- Begusarai Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 18-08-2023 Heard Mr. Shashank Shekhar, learned counsel for

the petitioner and Mr. Bharat Bhushan, learned APP for the

State.

The petitioner is in judicial custody in connection
with Bihpur (Bhawanipur) P.S. Case No. 25 of 2023 for the
offence punishable under Sections 25(1-b), 26, 35 and 25(8) of
the NDPS Act lodged on 18.1.2023 by the informant, Ramesh
Kumar Sah.

As per the prosecution story, the police intercepted
two motorcycles, one was driving by the petitioner while Nitish
Kumar was pillion rider. Upon check of the bag which Nitish
Kumar was carrying, 400 live cartridges were recovered/seized.
This followed the arrest and the FIR.

It is the case of the petitioner that he was simply
driving the motorcycle, little realizing that his friend Nitish



Kumar is carrying live cartridges, he do not have criminal antecedent and further Nitish Kumar has been granted bail by a bench of this Court in Cr. Misc. No. 44584 of 2023. It is further submitted that the other motorcycle rider Golu Kumar Singh has also been granted bail in Cr. Misc. No. 28995 of 2023.

Let the same be kept on record.

Learned APP opposes the prayer stating that huge quantity of live cartridges have been recovered/seized.

Considering the aforesaid submission put forward by the learned counsel for the petitioner, he do not have criminal antecedent, is in custody since 19.01.2023 (para-9 of the petition) as also the person who was carrying the bag, Nitish Kumar has since been granted bail, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1, Naugachia, Bhagalpur, in connection with Bihpur (Bhawanipur) P.S. Case No. 25 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his



bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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