

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30288 of 2022

Arising Out of PS. Case No.-444 Year-2021 Thana- SARAIYA District- Muzaffarpur

MUNNA KUMAR, Son Of Late Bharat Paswan, Resident Of Village-
Daudnagar, P.S. And District- Vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Soban Asghar, Advocate
For the Opposite Party/s : Mr.Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 10-01-2023 Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in connection with Saraiya P.S.
Case No. 444 of 2021 registered for the offence punishable under
Sections 414 and 34 of the Indian Penal Code, Section 25(1-B)a, 26
and 35 of the Arms Act and Sections 20 and 22 of the N.D.P.S. Act.

The prosecution case alleges that during checking, three
persons including the petitioner have been stopped while they were
moving on motorcycle. There is alleged recovery of arms and
ammunition and some Smack like substance. From the petitioner
there is alleged recovery of one live cartridge and ten sachets of
Smack like substance.

Learned counsel for the petitioner submits that the
FIR/seizure list does not disclose the quantity of recovery from the
petitioner and other co-accused persons individually. Total 15 to 17
grams Smack like substance is said to have been recovered, which is
evident from the order of the Additional District and Sessions Judge
2nd, Muzaffarpur, in the order dated 19.02.2022 rejecting the
petitioner's prayer for bail. The similarly stated co-accused Himalaya
Kumar has been allowed bail by this Court considering these facts, as
also the fact the the FIR was registered on 21.06.2021 but sent to the



Court of learned Special Judge after two days on 23.06.2021. The petitioner also has no criminal antecedents.

Learned APP for the State has opposed the prayer for bail. It is submitted that contraband, slightly above the minimum quantity, has been recovered from the possession of the petitioner along with two others.

Considering the rival submissions, the claim based on parity, period of petitioner's custody since 23.06.2021, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel.

Prayer for bail of the petitioner is allowed.

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 2nd Additional Sessions Judge, Muzaffarpur, in connection with Saraiya P. S. Case No. 444 of 2021, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

Shashank/-

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

