

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33504 of 2022

Arising Out of PS. Case No.-118 Year-2022 Thana- AHIYAPUR District- Muzaffarpur

VISHAL KUMAR S/o Lal Babu Paswan @ Babu Lal Paswan Resident of
Village- Kolhua Paigambarpur, Ward No.12, P.S.- Ahiyapur, District-
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur

For the Opposite Party/s : Mr. Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 03-01-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with
N.D.P.S. Case No. 55 of 2022 arising out of Ahiyapur P.S.
Case No. 118 of 2022, registered for the offences
punishable under Sections 8, 20(b)(ii)(B) of the N.D.P.S. Act
and Sections 25(1-b)a, 26 and 35 of the Arms Act.

As per allegation, about 250 gm of charas, a
country made pistol and eight live cartridges have been
recovered from the accused persons.

The learned counsel for the petitioner submits that
the petitioner is innocent and has falsely been implicated in



this case. He further submits that the alleged contraband is much less than the commercial quantity. He also submits that other co-accused person, namely, Sonu Kumar has already been enlarged on bail by a co-ordinate Bench of this Court vide order dated 08.12.2022 passed in Cr. Misc. No. 48439 of 2022. He further submits that that investigation in this case is complete and charge-sheet has already been submitted. He also submits that the petitioner will co-operate in the trial and the trial will not get hampered in case he is enlarged on bail.

He further submits that the petitioner has been languishing in jail since 13.02.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

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

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

Considering the aforesaid facts and circumstance,



the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. 1st Addl. Sessions Judge, Muzaffarpur in connection with N.D.P.S. Case No. 55 of 2022 arising out of Ahiyapur P.S. Case No. 118 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 hamper 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 any criminal antecedent, the



learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent 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, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned 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)

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