

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35069 of 2023

Arising Out of PS. Case No.-495 Year-2022 Thana- DHANARUA District- Patna

ANUJ KUMAR Son of Binod Prasad Resident of Kolhachak (Ramni Bigha),
P.S. - Dhanarua, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajanan Mishra

For the Opposite Party/s : Mr.Abhay Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 07-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Special Case No. 40 of 2023 arising out of Dhanarua P.S. Case No. 495 of 2022 registered for the offences punishable under Sections 399, 402, 353, 332, 333, 307/34 of the Indian Penal Code read with Sections 25(1-b), 26 / 35 of the Arms Act and Section 20 (b) (ii) a, 22 (a) of N.D.P.S. Act.

As per prosecution case, there is alleged recovery of one country made pistol alongwith six live cartridges, one empty cartridge and one mobile were recovered from the possession of co-accused Yishu Kumar and 1.950 Kg Ganja was also recovered from a white bag. Apprehended co-accused persons disclosed the name of present petitioner who fled away from the place of



occurrence and told that the recovered Ganja belongs to the petitioner.

Learned counsel for the petitioner submits that as per N.D.P.S. notification, small of quantity of Ganja is 1000 gm and commercial quantity of ganja is 20 kg but the said recovery of ganja is 1.950 kg which comes under intermediary quantity. Petitioner is innocent and has committed no offence as alleged against him in F.I.R. and he has falsely been implicated in the present case. No incriminating article has been recovered from the possession of the petitioner. He further submits that petitioner is in custody since 08.12.2022 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of learned Additional Sessions Judge – IV, Patna in connection with Dhanarua P.S. Case No. 495 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) If the petitioner is found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(Alok Kumar Pandey, J)

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