

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40742 of 2023**

Arising Out of PS. Case No.-253 Year-2023 Thana- GAYA MUFASIL District- Gaya

VISHAL @ KALA @ VISHAL KUMAR Son of Pappu Mehta Resident of
village - Surdhi Tola, P.S. - Muffasil Manpur, Distt. - Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. S. Jamil Akhtar, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 19-07-2023 Learned counsel for the petitioner is permitted to
remove defect (s), as pointed out by the office, if any, within a
period of four weeks on resumption of physical mode.

Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner has preferred this application for grant
of regular bail in connection with Muffasil P.S. Case No. 253 of
2023 dated 01.03.2023 registered for the offences punishable
u/ss 8, 20(b) (ii) (A), 8(c), 21(a) of the NDPS Act and sections
25 (1-B)a, 26, 35 of the Arms Act.

As per the prosecution case, one loaded country made
pistol, a live cartridge, brown sugar weighing 50 gm and a
mobile phone were recovered from the possession of the



petitioner.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner has further submitted that the seized contraband is not of commercial quantity. Similarly situated co-accused has already been granted bail by the co-ordinate bench of this court *vide* order dated 05.07.2023 passed in Cr. Mis No. 37244 of 2023. The petitioner has got seven criminal cases as stated in para 3 of the bail petition. The petitioner is in custody since 02.03.2023.

Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Gaya in connection with Muffasil P.S. Case No. 253 of 2023, with the condition/s:-

1. The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable



cause, the bail bond of the petitioner is liable to be cancelled.

The application stands allowed.

(Chandra Prakash Singh, J)

guddukr/-

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