

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45358 of 2023

Arising Out of PS. Case No.-104 Year-2022 Thana- KATRA District- Muzaffarpur

Akhilesh Kumar, Son of Ramji Sah, Resident of Village- Dhanaur, P.S- Katra,
District- Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

3 26-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with NDPS
P.S. Case No. 96 of 2022 arising out of Katra P.S. Case No. 104
of 2022 registered for the offences punishable under Sections
25(1-b)a, 26 of the Arms Act and Sections 8/20(b)(ii)A NDPS
Act.

3. As per the prosecution case, from possession of
petitioner one loaded pistol, a live cartridge and 563 Gram
Ganja were recovered and he could not produce any legal
documents in this regard.

4. Learned counsel for the petitioner submits that this
Court vide order dated 13.12.2022 passed in Criminal
Miscellaneous No. 49773 of 2022 has rejected the bail petition



of the petitioner. However, it was observed that petitioner may renew his prayer for bail after six months, if trial of this case is not concluded.

5. Learned counsel for the petitioner further submits that the petitioner is in custody since 24.03.2022, charge has not been framed yet, charge sheet has been submitted and there is no chance of tampering of the evidence.

6. Learned APP appearing for the State opposes the prayer for regular bail of the petitioner.

7. Considering the aforesaid facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-1st, Muzaffarpur in connection with N.D.P.S. Case No. 96 of 2022 arising out of Katra P.S. Case No. 104 of 2022. Subject to the following conditions.

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court.

(ii) In case of absence on two consecutive dates without sufficient reason or if the petitioner misuse the liberty or



violate any of the conditions imposed upon him his bail bond will be liable to be cancelled by the Court concerned.

(iii) If the petitioner tampers with the evidence or the witness, in that case the prosecution will be at liberty to move for cancellation of bail.

(Sunil Dutta Mishra, J)

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