

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49796 of 2022

Arising Out of PS. Case No.-259 Year-2022 Thana- AHIYAPUR District- Muzaffarpur

Arjun Kumar, (Male), aged about 28 years, S/o Late jagdish Sahani Resident
of Village - matlupur, P.S.- Piya, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Anand, Adv.

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 09-01-2023 Heard learned counsel for the petitioner and the learned APP
for the State.

The petitioner seeks bail in connection with N.D.P.S. Case No. 87/2022 arising out of Ahiyapur P.S. Case No. 259/2022 dated 02.04.2022 registered for the offence punishable under Section 401 of the Indian Penal Code (for brevity 'IPC'), Section 25(1-b)a/26/35 of the Arms Act and Section 8(c), 21(b) of the Narcotic Drugs and Psychotropic Substances, Act (for brevity 'NDPS Act').

On a tip-off the informant, sub-inspector started checking of vehicles. One co-accused, Om Prakash Choutala, was found to be in possession of 12 (twelve) grams of contraband (smack like substance). He has stated the name of three persons, including the petitioner. It is said that these three persons are near a line-hotel on the highway, waiting for nightfall to commit some crime. Thereafter, the petitioner, along with two others have been apprehended. From the petitioner, there is alleged recovery of a loaded country made pistol.

Learned counsel for the petitioner submits that petitioner is in custody since 04.04.2022. He has no antecedents. Even, as per



prosecution case, there is no recovery of any contraband, whatsoever from the petitioner. Recovery of loaded country made pistol is denied and disputed. The petitioner has been falsely implicated because, he was near the place from where the other accused persons have been arrested. Similarly situated co-accused, namely, Dev Kumar Sahani, has been allowed bail in Cr. Misc No. 36836 of 2022.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, petitioner's claim on parity, as also the fact that no recovery as alleged from the petitioner and his clean antecedents, 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 Ist Additional Sessions Judge, Muzaffarpur, in connection with N.D.P.S. Case No. 87/2022 arising out of Ahiyapur P.S. Case No. 259/2022, 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)

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