

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58956 of 2023

Arising Out of PS. Case No.-120 Year-2022 Thana- MANJHAGARH District- Gopalganj

Ajay Singh @ Guddu Baba Son Of Late Bhagwan Singh R/O Village- Saraiya
Basant, P.S- Taraiya, Dist- Saran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saurabh Kumar, Advocate

For the Opposite Party/s : Mr.Uday Chand Prasad, A PP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-09-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 21.04.2022 in connection with S.Tr.No.28 of 2022 arising out of Manjhagarh P.S. Case No. 120 of 2022, F.I.R. dated 20.04.2022 registered for the offence punishable under Sections 399,402 of IPC, Sections 25(1-b)a,26,35 of Arms Act and Section 21(b) of the N.D.P.S.Act.

3. Recovery is of one loaded country made pistol, three live cartridges, 15 Pudia of smack weighing to 5.830 Gm, mobile phone and cash of Rs. 29,500/-.

4. Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. Earlier the petitioner has moved before this



Hon'ble Court in Cr. Misc. No. 64871 of 2022 but the same was dismissed as withdrawn vide order dated 25.04.2023. Thereafter, the petitioner has filed the present application for grant of regular bail in the present matter. Learned counsel for the petitioner submits that it appears from the FIR as well as the seizure list that one loaded country made pistol, three live cartridges and 15 Pudia of smack weighing to 5.830 Gm have been found from possession of the petitioner. Learned counsel for the petitioner submits that there is non-compliance of Section 50 of the N.D.P.S. Act and the recovered contraband is less than the commercial quantity so there is no embargo under Section 37 of the N.D.P.S. Act to enlarge the petitioner on bail and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 21.04.2022.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the loaded arms have been recovered from possession of the petitioner and apart from that smack has also been recovered from possession of the petitioner. Further submits that the petitioner carries eight more cases other than the present one but fairly submits that the petitioner is on bail in all the eight cases, as mentioned in para-4 of the supplementary



affidavit.

6. Considering the aforesaid facts and period of custody, 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 learned Additional District and Sessions Judge-1st, Gopalganj in connection with S.Tr.No.28 of 2022 arising out of Manjhagarh P.S. Case No. 120 of 2022, with 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 and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order



shall not be delayed for purpose of or in the name of
verification.

(Rajesh Kumar Verma, J)

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