

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61971 of 2021

Arising Out of PS. Case No.-672 Year-2020 Thana- SARAIYA District- Muzaffarpur

Shantanu Kumar, Son of Late Ravindra Nath Resident of Village - Chhatauni
Colony Ward No.1, P.s.- Chhatauni, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur
		Ms. Vaishnavi Singh
For the Opposite Party/s	:	Mr.Md. Shakir Ahmad

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 03-01-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with Saraiya
P. S. Case No. 672 of 2020, registered for the offences
punishable under Sections 399 and 402 of the Indian Penal
Code; Sections 25(1-b)a, 26 and 35 of the Arms Act, 1959;
and Sections 20 and 22 of the Narcotic Drugs and
Psychotropic Substances Act, 1985.

As per allegation, 400 gm. of opium and one
loaded country-made pistol was recovered from the
petitioner.

Ld. counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case. He further submits that the recovered contraband is much less than the commercial quantity. He also submits that search and seizure has not been made as per the rules as provided under the N.D.P.S. Act. He further submits that the petitioner will co-operate in the trial and the trial will not get hampered in case he is enlarged on bail. He also submits that investigation in this case is complete and charge-sheet has already been submitted and even charge has been framed. He further submits that earlier the petitioner has been made accused in four other cases, but in all those cases, he is on bail.

He further submits that the petitioner has been languishing in jail since 10.10.2020.

It is also stated in paragraph no. 2 of the petition that the petitioner has never moved before this Court for grant of anticipatory bail or regular bail.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances,



the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Sessions Judge cum Special Judge, N.D.P.S., Muzaffarpur, in connection with Saraiya P. S. Case No. 672 of 2020, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds



of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

The application stands allowed accordingly.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

skm/-

U		T	
---	--	---	--

