

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53955 of 2022

Arising Out of PS. Case No.-134 Year-2022 Thana- MANIYARI District- Muzaffarpur

RAJESH KUMAR Son of Vishwanth Sah R/V- Anandpur, P.S- Sonapur, Dist-
Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhukar Anand, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 07-07-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
06.05.2022 in connection with NDPS P.S. Case No. 110 of
2022 arising out of Maniyari P.S.Case No.134 of 2022, F.I.R.
dated 05.05.2022 registered for the offence punishable under
Sections 25(1-b)a,26,35 of Arms Act and Section 8(c),21(b)
of NDPS Act.

The case relates to recovery of one pistol, two live
cartridges, 10 pouches of heroine like contraband substance
etc. from possession of co-accused Randhir Kumar and from
possession of petitioner, one pistol, one live cartridge, 10
pouches of heroine like contraband substance and etc.



Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. Further submits that from perusal of the FIR as well as the seizure list that 9.20 Mg of contraband, one mobile phone, one country made loaded pistol were recovered from possession of the petitioner. Learned counsel for the petitioner submits that the recovered contraband is less than the commercial quantity and even less than the small quantity so there is no embargo under Section 37 of the NDPS Act to enlarge the petitioner on bail and there is non-compliance of Section 50 of the NDPS Act and without F.S.L. report, the chargesheet has been submitted against the petitioner and the petitioner is in custody since 06.05.2022.

Learned APP for the State, on the other hand, has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the aforesaid facts, 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 Sessions Judge-I, Muzaffarpur in connection with NDPS P.S. Case No. 110 of 2022 arising out of Maniyari P.S. Case No.134 of



2022,with the following conditions:-

(1) 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.

(2) 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.

(3) 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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