

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57712 of 2023**

Arising Out of PS. Case No.-218 Year-2022 Thana- CHAKIA District- East Champaran

PANKAJ KUMAR son of Shambhu Yadav @ Shambhu Raj Village-
Ahiyapur Ps- Sahibganj Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 01-09-2023

Heard the parties.

The petitioner is in custody in connection with Chakia P.S. Case No. 218 of 2022 for the offence under sections 20, 22, 24 of the NDPS Act and sections 25(1-B) A, 26, 35 of the Arms Act lodged on 30.05.2022 by the informant, Dhananjay Kumar.

As per the prosecution story, the allegation is that few days back, a jewellery shop was looted and the shopkeeper was injured by the accused persons and in course of the said investigation, the Police went to the place where it was informed that the accuseds have gathered. On the sight of the Police, the accused persons tried to escape, four of them including the petitioner apprehended and 962 grams of 'charas'



like substance alongwith loaded pistol and five live cartridges were recovered from the petitioner. He further confessed his role in the jewellery loot. Accordingly, the FIR.

Learned counsel for the petitioner submits that the Police has implicated him and in any case the recovery is below the commercial quantity of 1 kg and he is in custody since 30.05.2022 (as stated in paragraph 13 of the petition).

Learned APP opposes the prayer for bail stating he has criminal antecedent.

Taking into account the submissions put forward by the learned counsel for the petitioner, the recovered quantity is below 1 kg and is in custody since 30.05.2022, this Court is inclined to extend him the privilege of bail but only after framing of the charge in view of the fact that he has criminal antecedent.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned C.J.M. East Champaran at Motihari, in connection with Chakia P.S. Case No. 218 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show



his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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