

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56620 of 2022

Arising Out of PS. Case No.-170 Year-2022 Thana- BOCHAHAN District- Muzaffarpur

CHANDAN KUMAR, Son of Rampramod Sah @ Pramod Sah, R/O Village -
Budhnagra, P.S.- Nanpur, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Ramchandra Sahni, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 12-01-2023 Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in connection with Bochahan P.S. Case No. 170 of 2022 registered for the offence punishable under Sections 399, 414, 402 and 34 of the Indian Penal Code, Sections 25(1-B)a, 26 and 35 of the Arms Act and Sections 20 and 22 of the N.D.P.S. Act.

The prosecution case is that there is alleged recovery of one loaded country made pistol with five live cartridges as well as 500 grams of *Ganja*.

Learned counsel for the petitioner submits that the contraband (500 grams *Ganja* (small quantity)) has been recovered from co-accused Ranjit Kumar Sahni. It is submitted that the petitioner has no concern with the co-accused Ranjit Kumar Sahni. He has been arrested because he was also standing nearby. There is no compliance with Section 100 Cr.P.C. and the petitioner has no antecedents, as per disclosure made in paragraph 3 of the bail petition. He is in custody since 07.04.2022.



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

Considering the rival submissions, the period of custody and that there is no alleged recovery of contraband substance from the petitioner, as also factum of investigation being complete, this Court, for the purposes of grant of bail, is inclined to allow the petitioner's prayer for bail.

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 1st Additional Sessions Judge, Muzaffarpur, in connection with Bochahan P. S. Case No. 170 of 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.

(Madhuresh Prasad, J)

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