

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57392 of 2022

Arising Out of PS. Case No.-435 Year-2022 Thana- FATUA District- Patna

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Aniket @ Ravish @ Ravish Kumar @ Juli, Son of Rakesh Kumar Resident of
Mirzapur Nohata, P.S.- Fatwah, District- Patna (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 72390 of 2022

Arising Out of PS. Case No.-435 Year-2022 Thana- FATUA District- Patna

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Mohan Kumar, Son of Sagar Prasad @ Ram Sagar Gope Resident of-
Mirjapur Nohata, P.S.- Fatuha, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 57392 of 2022)

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate
Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

(In CRIMINAL MISCELLANEOUS No. 72390 of 2022)

For the Petitioner/s : Mr. N. K. Agrawal, Sr. Advocate
Mr. Kumar Rajdeep, Advocate
Mr. Arvind Kumar, Advocate
Mr. Amresh Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Bishweshwar Ram, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 10-02-2023 Heard Ld. counsel for the petitioners and Ld. APP

for the State.

The petitioners seek bail in connection with Fatuha

P. S. Case No. 435 of 2022, registered for the offences



punishable under Sections 420 and 34 of the Indian Penal Code; Section 37(2) of the Bihar Prohibition and Excise Act, 2016; Section 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, on search of a white coloured i20 car, two country made loaded pistols and 500 grams of Ganja were recovered. The petitioners were also apprehended in drunken condition, sitting in the said car.

Ld. counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. They further submit that nothing has been recovered from the conscious possession of the petitioners. They also submit that the search and seizure has not been made as per the procedure as prescribed under Narcotic Drugs and Psychotropic Substances Act, 1985 as also under Cr.P.C. They further submit that the seized quantity of ganja is less than the small quantity.

He further submits that the petitioners have been languishing in jail since 22.06.2022.



It has also been stated in paragraph no. 3 of the bail petition that the petitioners, namely, Aniket @ Ravish @ Ravish Kumar @ Juli and Mohan Kumar have earlier been made accused in ten and one more cases, respectively. Out of ten cases, the petitioner, Aniket @ Ravish @ Ravish Kumar @ Juli is on bail in nine cases, whereas the petitioner, Mohan Kumar is on bail in the earlier case.

It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one.

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

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioners, above-named, to be enlarged on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. Special Judge, Excise, Patna City, District-Patna in connection with Fatuha P. S. Case No. 435 of 2022, on the following conditions:



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

(ii) The petitioners will undertake that investigation/trial will not get hampered on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners 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 petitioners have criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their 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 petitioners.

(vi) In case, the petitioners repeat offence of similar nature after enlargement on bail, their bail-bonds will be cancelled by the court below.

Ld. counsel for the petitioners 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)

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