

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 73400 of 2023

Arising Out of PS. Case No.-178 Year-2023 Thana- UDAKISHUNGANJ District-
Madhepura

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SAURABH KUMAR @ SAURAV KUMAR SON OF RAMCHANDRA
YADAV RESIDENT OF VILLAGE - ARAR DAFRA, WARD NO.10, P.S. -
GWALPARA (ARAR O.P.), DISTRICT - MADHEPURA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-11-2023

Heard the parties.

2. The petitioner is in custody in connection with Udakishunganj P.S. Case No. 178 of 2023 for the offence under sections 8(c)/21(A) of NDPS Act and 25(1-b), a, 26, 35 of Arms Act lodged on 09.06.2023 by the informant, Pappu Kumar.

3. As per the prosecution story, the police upon information that in a Barat party, the accused persons were present with arms, raided the place and upon search, from Dilkhush Kumar, a country made loaded pistol alongwith 43 gm smack while from Saurabh Kumar (the petitioner herein) a loaded country made pistol with 21 gm smack was/were recovered. Accordingly, the FIR.



4. Learned counsel for the petitioner submits that he has been implicated in this case, has suffered by being in custody since 10.06.2023 (as stated in paragraph 15 of the petition) and has no criminal antecedent. Further, the alleged recovery is 21 gm smack like substance which is much lower than the commercial quantity of 250 gm.

5. Learned APP opposes the prayer for bail stating that he was caught with country made pistol and smack.

6. Taking into account the submissions put forward by the learned counsel for the parties and the fact that the alleged recovery is less than the commercial quantity, the period of custody i.e. 10.06.2023 and he do not have criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

7. 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 Additional Sessions Judge, 1, Madhepura, in connection with Udakishunganj P.S. Case No. 178 of 2023 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.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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