

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73422 of 2022**

Arising Out of PS. Case No.-749 Year-2020 Thana- GOPALGANJ TOWN District-
Gopalganj

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AMIR KUMAR SAH Son of Raja Sah Resident of village - Narayanpur Tola,
P.S.- Kateya, Dist.- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sumit Shekhar Pandey, Adv.
For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 20-06-2023 Learned counsel for the petitioner is permitted to

make correction in paragraph-12 of the bail petition during

course of day.

Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since

30.12.2020 in connection with Trial No.01/2021, arising out of

Gopalganj Town P.S. Case No. 749/2020, F.I.R. dated

29.12.2020, for the offences punishable under Sections 25(1-

b)a, 26 and 35 of the Arms Act & Sections 8, 20(b)(ii)(c) of

NDPS Act.

According to prosecution case, one country made

loaded pistol with live cartridges, mobile phones and three



motorcycles has been recovered from the possession of the petitioner.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that one loaded country made pistol and ten live cartridges have been recovered from the possession of the petitioner. He further submits that the contraband is recovered from the possession of co-accused, namely, Chhote Lal Singh and the petitioner has no concern at all with the alleged recovery of contraband and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 30.12.2020.

Vide order dated 22.03.2023 a report was called for from the Trial Court regarding the stage of the case in Cr. Misc No. 73422/2022, which was arisen from the same F.I.R. Report dated 29.04.2023 of the learned Trial Court reveals that as yet charge has not been framed against the petitioner.

Learned counsel for the petitioner submits that in view of the report of the learned trial court, the trial is not likely to be concluded in near future and the petitioner is in custody since 30.12.2020.



Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and period of custody, let the petitioner, above named, be released on bail, after framing of charge, 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 District Judge, Gopalganj in connection with Trial No.01/2021, arising out of Gopalganj Town P.S. Case No. 749/2020, subject to 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 absence on two consecutive dates without sufficient reason, his 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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