

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29219 of 2024

Arising Out of PS. Case No.-22 Year-2022 Thana- SIWAIPATTI District- Muzaffarpur

Abhay Kumar Yadav @ Abhay Rai Son of Surendra Rai Resident of village-
Rampur Pokhari, P.S.- Tariyani, Dist.- Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 20-05-2024 Heard Ld. counsel for the petitioners and Ld. APP for
the State.

2. The present petition has been filed on behalf of the petitioner, apprehending his arrest, in connection with Siwaipatti PS. Case No.-22 of 2022, registered for the offences punishable under Sections 8, 20, 22 of the NDPS Act.

3. The prosecution case as emerges from the FIR is that on seeing the police party, two persons fled away on motorcycle and rest two persons were apprehended by the police. On being searched, 500 gram *charas* and smart phone were recovered from the possession of one Rajesh Kumar and from the possession of co-ccused, Anand Kumar, 500 gram of *charas* and mobile phone were also recovered. They also



disclosed the name of their associates, Abhay Kumar, the Petitioner and one Vicky Yadav who had managed to escape.

4. Ld. counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that the Petitioner was neither arrested on the spot nor any contraband has been recovered from his possession. He also submits that his name has transpired in the confessional statement of the co-accused, Rajesh Kumar, which is a very weak type of evidence, on the basis of which liberty of a person cannot be curtailed.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the petition that the petitioner has been made accused in five other cases.

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

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the



date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Special Judge, Exclusive Special Court-I, Muzaffarpur, in connection with Siwaipatti PS. Case No.-22 of 2022, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) 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 petitioner.

(Jitendra Kumar, J)

Chandan/
shailendra-

U		T	
---	--	---	--

