

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34439 of 2024

Arising Out of PS. Case No.-42 Year-2022 Thana- SAKRA District- Muzaffarpur

Raja Thakur @ Prince Kumar Son of Vinay Thakur Resident of Village-
Repura, P.S.- Sakra, Dist.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan, Advocate

For the Opposite Party/s : Mr.Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-06-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with N.D.P.S. Case No. 35 of 2024 arising out of Sakra P.S. Case No. 42 of 2022 for the offence punishable under Sections 412/34 of the Indian Penal Code and 8/20/22 of N.D.P.S. Act and section 25(1-b)a, 26, 35 of the Arms Act lodged on 30.1.2022 by the informant, Saroj Kumar.

3. As per the prosecution story, the police in course of patrolling, saw two motorcycles standing on the road. As the police approached them, one of the motorcycle escaped from the place. However, the second one on which three persons were riding were intercepted and upon search from the handle of the motorcycle, a bag was recovered/seized in which 1 kg. 'Ganja' like material was recovered. Further from the pocket of



Chandan Kumar, a loaded pistol and two live cartridges and a mobile was recovered/seized. So far as the motorcycle is concerned, Kundan Kumar accepted it to be his motorcycle.

4. Learned counsel for the petitioner submits that neither he was present on the spot nor there is any recovery from him and only because he has criminal antecedent, according to the police, those apprehended named him which resulted into his judicial custody since 14.2.2024 (para-12 of the petition).

5. Learned APP opposes the prayer submitting that he has delayed in coming into judicial custody.

6. Though, there is delay on his part, taking into account the fact that nothing has been recovered from his possession, some of the accused persons named in the FIR from whom recovery has been made, stands extended the privilege of bail, 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) with two sureties of like amount each to the satisfaction of learned Special Judge, N.D.P.S. Act, Muzaffarpur, in connection with N.D.P.S. Case No. 35 of 2024 arising out of Sakra P.S. Case No. 42 of 2022



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 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 next one year 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.

(Rajiv Roy, J)

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