

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40608 of 2024

Arising Out of PS. Case No.-323 Year-2021 Thana- SAHPUR District- Patna

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Amit Kumar @ J.D. S/O AJAY LAL R/O Sri Rampur Tola, P.S.- BIHTA,
DIST- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ghanshyam Tiwary, Advocate
For the State : Dr. Mrityunjaya Kr. Gautam, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-06-2024 Heard Mr. Ghanshyam Tiwary, learned counsel for the

petitioner and Dr. Mritunjaya Kumar Gautam, learned counsel

A.P.P. appearing on behalf of the State.

2. The petitioner seeks bail in connection with Special
Case No. 279 of 2023 arising out of Shahpur P.S. case No. 323
of 2021 registered for the offence under Sections 8, 20(b)(ii)(B)
& 29 of the NDPS Act and under Section 25(1-b)a, 26 and 35 of
the Arms Act.

3. As per the prosecution case, many incriminating
articles have been recovered from the possession of the other
co-accused persons and it is alleged that the petitioner is also a
member of the unlawful assembly who has fled away from the
place of the occurrence.

4. Learned counsel appearing for the petitioner



submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that from a bare perusal of the FIR it appears that the name of the petitioner has been transpired on the basis of the disclosure made by the co-accused person. He further submits that from a bare perusal of the seizure list it appears that nothing has been recovered from the conscious possession of the petitioner and no other cogent material has come during the investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that other co-accused person, namely, Deepak Jha @ Deepak Jha has been granted bail by a co-ordinate Bench of this Court vide order dated 01.04.2022 passed in Cr. Misc. No. 4077 of 2022 and co-accused person, namely, Rahul Kumar has also been granted bail by a co-ordinate bench of this Court vide order dated 22.04.2022 passed in Cr. Misc. No. 9838 of 2022. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 17.10.2023.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is also involved in the present crime in question apart from that the petitioner carries one case other



than the present one but fairly submits on the basis of the paragraph-3 of the bail petition that the petitioner is on bail in the pending matter.

6. Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge (N.D.P.S. Act) Court No.1, Patna in connection with Special Case No. 279 of 2023 arising out of Shahpur P.S. Case No. 323 of 2021 with the following conditions:-

(i) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(ii) 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.

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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