

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56115 of 2024

Arising Out of PS. Case No.-167 Year-2022 Thana- PATNA CITY CHOWK District- Patna

Monu Patel Son of Late Kalyan Singh R/o Mohalla Jajak Toli, Nai Sadak, P.S.
Chowk, Dist.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rudra Deo, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 26-11-2024 Heard Mr. Rudra Deo, learned counsel for the

petitioner and Mr. Jharkhandi Upadhyay, learned Additional

Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
26.05.2022 in connection with Special Case No. 70 of 2022
arising out of Chowk P.S. Case No. 167 of 2022, F.I.R. dated
19.04.2022 for the offences punishable under Sections 25(1-
b)a, 26 and 34 of the Arms Act and Sections 8(c) and 21(b) of
the NDPS Act.

3. Recovery is of one country made pistol, 2 live
cartridges, total 25.950 grams of smack with paper and 6.010
grams smack without paper.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the



present case. He further submits that from perusal of the F.I.R it appears that on the date of occurrence, the petitioner was in judicial custody with respect to Chowk P.S. Case No. 149 of 2022. He further submits that on the basis of confessional statement of the co-accused, Rohit Kumar @ Golu the petitioner has been made accused and it appears from the F.I.R itself that nothing has been recovered from the conscious possession of the petitioner, so no case is made out under the Arms Act as well as NDPS Act. He further submits that the petitioner was in judicial custody since 04.04.2024 in connection with Chowk P.S. Case No. 149 of 2022 in which he has been granted bail vide order dated 06.07.2023 passed in Cr. Misc. No. 17148 of 2023. He further submits that similarly situated, co-accused, namely, Rohit Kumar @ Golu has been granted bail by this Court vide order dated 26.09.2023 passed in Cr. Misc. No. 55287 of 2023. The petitioner is in custody since 26.05.2022.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is named in the F.I.R and apart from that the petitioner carries 15 criminal antecedents other than the present one but fairly submits on the basis of supplementary affidavit that the petitioner is on bail in 12 cases and in 3 cases



the petitioner has not been remanded as yet.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Special Judge NDPS, Patna in connection with Special Case No. 70 of 2022 arising out of Chowk P.S. Case No. 167 of 2022, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

iii. 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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