

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56420 of 2024

Arising Out of PS. Case No.-246 Year-2023 Thana- MAJHAULIA District- West Champaran

Ampu Kumar S/o Birendra Ram R/o vill - Biraith, P.S. - Gopalpur, Distt. -
West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-08-2024 Heard Mr. Bimlesh Kumar Pandey, learned counsel
for the petitioner and Dr. Ajeet Kumar, learned APP for the
State.

2. Petitioner seeks bail, who is in custody since
01.04.2023, in connection with NDPS Case No. 59 of 2023
arising out of Majhauriya P.S. Case No. 246 of 2023, F.I.R.
dated 31.03.2023 registered for the offences punishable under
Sections 399, 402 of the Indian Penal Code, Sections
25(1-B)/A/26/35 of the Arms Act and Sections 8/20 of the NDPS
Act.

3. The case relates to recovery of one loaded country
made pistol with one live cartridge and 02 Kg. of *Charas*.

4. Earlier the bail petition of the petitioner was
rejected vide order dated 27.09.2023 passed in Cr. Misc. No.



50845 of 2023.

5. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that as per allegation in the F.I.R. that the petitioner has fled away from the place of occurrence and one loaded country made pistol, one live cartridge and 02 Kgs. of Charas was recovered from the possession of co-accused person namely, Saif Ali. He further submits that while granting bail of co-accused Satish Dubey @ Satish Kumar Dubey by this Court, this Court has found on the basis of FSL report that *“No Charas containing Tetrahydrocannabinol (T.H.C.) could be detected in the dark brown solid substances contained in the two small plastic bozed marked ‘1’ and ‘2’ as described above”*.

6. Learned counsel for the petitioner submits that it appears from the FSL report that the recovered contraband is not Charas and co-accused person namely Satish Dubey @ Satish Kumar Dubey has been granted bail by this Court vide order dated 05.07.2024 passed in Cr. Misc. No. 22505 of 2024 on the same ground and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 01.04.2023.



7. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries three more cases other than the present one but fairly submits that on the basis of paragraph-3 of the bail petition that the petitioner is on bail in all the pending matters.

8. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Bettiah, West Champaran in connection with NDPS Case No. 59 of 2023 arising out of Majhauriya P.S. Case No. 246 of 2023, 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 witness, 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 antecedents, 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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