

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67103 of 2024

Arising Out of PS. Case No.-92 Year-2024 Thana- CHERIYA BARIYARPUR District-
Begusarai

Prince Kumar, Son of Birju Mahto @ Birju Mahton, R/O village- Cheriya
Bariyarpur, Ward No- 06, P.S- Cheriya Bariyarpur, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashank Shekhar, Advocate
For the Opposite Party/s : Mr.Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 01-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with NDPS Case No.21 of 2024, arising out of Cheriya Bariyarpur P.S. Case No.92 of 2024, registered for the alleged offences under Sections 399, 402, 353 and 307 of the Indian Penal Code, Sections 25 (1-B)a, 26, 27 and 35 of the Arms Act and Sections 8, 20 (B) (ii) (B) of NDPS Act.

3. As per prosecution case, on the basis of tip of miscreants making plans for committing *dacoity*, police conducted raid at certain identified place and the petitioner and co-accused were apprehended, who disclosed the names of other co-accused persons, who fled away from the spot on seeing the



police party after opening fire. From the petitioner and co-accused, recovery of two country made *Katta*, three live cartridges, about 2 Kg of ganja, an empty cartridge and other articles were made.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the person/possession of this petitioner. From the FIR, it is apparent that recovery has been made from an open place, which is a *Shisham Bagan*, but the petitioner has no concern either with the place, from where seizure has been shown, or arms and ammunition or contraband. The petitioner has been swimming in the river and in suspicion he was apprehended. The petitioner is in custody since 04.05.2024 and charge sheet has been submitted. The petitioner is having criminal antecedent of one case which has been lodged subsequently to the present case.

5. The learned A.P.P. opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made hereinabove and considering the fact that no recovery has been shown from the conscious possession of the petitioner and further considering the submission of charge



sheet and the period of custody of the petitioner, he is directed to 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 Sessions Judge, Begusarai, in connection with NDPS Case No. 21 of 2024, arising out of Cheriya Bariyarpur P.S. Case No. 92 of 2024, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

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(Arun Kumar Jha, J)

