

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 7926 of 2024

Arising Out of PS. Case No.-442 Year-2023 Thana- KANTI District- Muzaffarpur

Kaushal Das Son Of Late Girdhari Das Resident Of Village- Atrar, Ps- Aurai,
Distt- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur, Adv.

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 10-04-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
N.D.P.S. Case No. 122 of 2023 arising out of Kanti P.S. Case
No. 442 of 2023 dated 13.06.2023, lodged under Sections
489(A), 489(B), 489(C), 489(D), 489(E) and 412 of the I.P.C.
read with Sections 25(1-b)a, 26 and 35 of the Arms Act and
Sections 8, 20(B), 11(C), 22 and 24 of the N.D.P.S. Act.

3. As per the prosecution case, the F.I.R. has been
lodged against 8 named accused persons including the present
petitioner. The specific allegation and seizure has been prepared
against three accused persons other than the present petitioner
from whose possession 1 kg *charas*, cash, loaded pistol and live
cartridges have been recovered, namely, Bharat Pandit, Nitesh

Kumar and Lalit Sahani respectively. Petitioner has not apprehended from the place of occurrence.

4. Learned counsel for the petitioner submits that from the contents of the F.I.R., name of the petitioner is there but he has not been apprehended, nor in the seizure list his name is there. His name has been inserted in this case by virtue of the confessional statement of the apprehended accused persons. He submits that the only material against him is his criminal antecedent, *i.e.* nine in number. He further submits that petitioner is in custody since 12.07.2023 and he is on bail in 7 cases and in rest cases, he is persuading for bail.

5. Learned A.P.P. for the State opposes the prayer for bail and submits that name of the petitioner has been disclosed by co-accused from whose possession, recovery of *charas* and arms were made.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail **(only after framing of charge, if not framed, as well as on the satisfaction of the Court below that petitioner is not absconding in any of the cases, *i.e.* Aurai P.S. Case No. 191 of 2020, Katra P.S. Case No. 292 of 2019, Ahiyapur P.S. Case No. 38 of 2020, Katra P.S. Case No. 262**

of 2018, Hathauri P.S. Case No. 227 of 2018, Ahiyapur P.S. Case No. 753 of 2020, Aurai P.S. Case No. 101 of 2020, Kanti P.S. Case No. 407 of 2023 and Siwaipatti P.S. Case No. 121 of 2023) on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty Thousand Only) with two sureties of the like amount each to the satisfaction of learned 11th Additional Sessions Judge-cum-Special Judge, Muzaffarpur in connection with N.D.P.S. Case No. 122 of 2023 arising out of Kanti P.S. Case No. 442 of 2023, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

(i) one of the bailors 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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for

cancellation of the bail bonds; and

(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 the bail bonds.

7. With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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