

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27423 of 2025

Arising Out of PS. Case No.-144 Year-2023 Thana- CHAKIA District- East Champaran

Prince Ram, Son of Jaimangal Ram, Resident of village-(Lasanda) Narsanda,
P.S.- Kanti, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar, Advocate
		Mr. Sharad Kumar Verma, Advocate
For the Opposite Party/s	:	Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 07-05-2025 Heard Mr. Abhishek Kumar, learned counsel for the petitioner and Mr. Suresh Prasad Singh, learned APP for the State.

2. Petitioner seeks regular bail in connection with Chakia P.S. Case No. 144 of 2023, N.D.P.S. G.R. Case No. 34 of 2023 dated 20.04.2023 registered for the offences punishable under Sections 25(1-B)(a), 26 and 35 of the Arms Act and under Sections 8, 20(b) (ii)(C), 22 and 24 of the NDPS Act.

3. The main submissions advanced by petitioner's counsel are that the instant matter relates to the recovery of 1.5 kilogram *Charas*, firearms, live cartridges and mobile phones from the possession of four apprehended co-accused persons, out of them, two co-accused persons namely, Ankush Kumar



and Kanhaiya Kumar have been granted bail by the then co-ordinate Bench of this Court vide orders dated 10.10.2023 and 12.10.2023 passed in Cr. Misc. Nos. 62999 of 2023 and 49573 of 2023 respectively and as per prosecution story, this petitioner and one co-accused person namely, Chandan Ram @ Chandan Kumar Nirala managed to escape, however, their identity and role in the commission of the alleged crime were disclosed by the apprehended co-accused persons as per the FIR and the said statement of the apprehended co-accused persons comes in the purview of statement given before the police which has no evidentiary value and secondly, the co-accused Chandan Ram @ Chandan Kumar Nirala who is alleged to have managed to escape with this petitioner, has been granted bail by the then co-ordinate Bench of this Court vide order dated 08.08.2024 passed in Cr. Misc. No. 57255 of 2024. Although the instant matter relates to the recovery of commercial quantity of alleged contraband but there is no material evidence against this petitioner, except the statement of the apprehended co-accused recorded by them before the police, so, in view of unavailability of any incriminating material, there is a fair chance of acquittal of this petitioner in the trial, if he is put for the alleged offences. It is further submitted that the alleged contraband is said to have



been recovered from the conscious possession of the apprehended co-accused persons but not from the petitioner and after the petitioner was taken into custody in the present matter, the police failed to recover any incriminating material connecting him either to the commission of the alleged occurrence or any other offence, therefore, his case is on better footing than that of the co-accused persons namely, Kanhaiya Kumar and Ankush Kumar who are on bail. It is lastly submitted that though against this petitioner, there are criminal antecedents of five cases but out of them, he has got bail in four cases and in the present matter, the investigation has been completed against this petitioner.

4. Though, learned APP for the State has opposed the prayer for bail of the petitioner but he has not pointed out the recovery of any incriminating material from the possession of this petitioner.

5. Heard both the sides, perused the FIR and order of the learned trial court. Though the instant matter relates to the recovery of commercial quantity of narcotic contraband as well as firearms but the petitioner is not alleged to have been apprehended at the spot and his name surfaced in the statement of the apprehended co-accused persons out of them, above-



mentioned two are on bail and in respect of petitioner's involvement in the alleged crime, the prosecution is mainly relying upon the statements of the said apprehended co-accused persons and the petitioner has taken the plea that except the said statement of the co-accused, there is no material evidence against him. Furthermore, in the order impugned, there is no discussion of the recovery of any incriminating material from the possession of this petitioner after he was taken into custody, to connect him to the occurrence of the present matter or any other offence and against him, the investigation has been completed. Considering these circumstances, in my opinion, the petitioner deserves to the privilege of bail. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Chakia P.S. Case No. 144 of 2023, N.D.P.S. G.R. Case No. 34 of 2023 on the following conditions:-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as and when directed by the trial Court and failing which, in case of his absence on



two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial Court.

(ii) If the petitioner tampers with the evidence or influences the witnesses, in that case, the prosecution will be at liberty to move for cancellation of his bail.

(iii) One of the bailors shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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