

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45463 of 2018

Arising Out of PS. Case No.-405 Year-2017 Thana- AHIAPUR District- Muzaffarpur

Dharmendra Singh @ Jugnu Singh, S/o Late Ram Kumar Singh, R/o Village-
Dhanaur, P.S.- Katra, Dist- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. S. Jamil Akhtar
For the Opposite Party/s : Smt Pushpa Sinha

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 08-08-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with
Ahiyapur P.S. Case No. 405 of 2017 registered for the offence
punishable under Section 115 of I.P.C., Section 25(1-b)a, 26/35
of the Arms Act, Section 30(A) of Bihar Prohibition Excise Act,
2016 and Sections 20/22 of N.D.P.S. Act.

From Swift Desire car, 15.250 Kg. ganja and 2.250
lbs. foreign liquor were recovered and petitioner and three
accused persons were apprehended in the course of escaping
from the said car. From possession of the petitioner, one loaded
pistol and ten live cartridges and some ornaments like ring,
bracelet and chain were recovered.



It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from conscious physical possession of the petitioner. He has no concern either with the seized article or with the car in question. As a matter of fact, he was standing near the vicinity of the car at the time of occurrence to catch convenience to go to the market, in the meantime, he has falsely implicated by the police merely on suspicion. Ornaments seized from the possession of the petitioner is hailing to him. There is no compliance of Section 100 Cr.P.C and Section 42 N.D.P.S. Act. Though four more criminal cases have been lodged against the petitioner, but he has been acquitted in two of the aforesaid cases and is on bail in the rest two cases. He has been languishing in custody since 02.06.2017. Other co-accused, namely, Nitin Kumar has been enlarged on bail by the court below while Santosh Kumar has been enlarged on bail by a co-ordinate Bench of this Court vide order dated 16.05.2018 passed in Cr. Misc. no. 29746 of 2018.

In the facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-III-cum-Special Judge, Excise,



Muzaffarpur in connection with Ahiyapur P.S. Case No. 405 of
2017.

(Prakash Chandra Jaiswal, J)

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