

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40379 of 2019

Arising Out of PS. Case No.-190 Year-2018 Thana- KOTWALI District- Patna

PIYUSH KUMAR @ CHANDAN SAO @ CHANDAN @ CHHOTU Son of
Sunil Kumar Resident of Chhoti Nagla, P.S.- Malsalami, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar

For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 02-07-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case instituted for the offences under Sections 18, 22, 23 of the N.D.P.S. Act and 25(1-b)a, 26 and 35 of the Arms Act.

The prosecution case in short is that 500 gram charas along with one country made pistol and a live cartridge is recovered in this case.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 29.3.2018. There is no allegation of tampering of witnesses alleged against the petitioner. Charge-sheet has been submitted in the present case. The petitioner has been made accused due to mistake of fact. 500 gram charas along with one country made pistol and a live



cartridge is alleged to have been recovered. The same is below the commercial quantity. Hence, there is no application of section 37 of the N.D.P.S. Act nor there is any compliance of Sections 42 and 50 of the N.D.P.S. Act. The petitioner has remained in custody for more than a year.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, it is directed that the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-VII, Patna in connection with Special Case No. 23/18 arising out of Kotwali P.S. Case No. 190/18.

(Sudhir Singh, J)

Pankaj/-

U		T	
---	--	---	--

