

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6601 of 2022

Arising Out of PS. Case No.-278 Year-2020 Thana- HAJIPUR SADAR District- Vaishali

UTTAM KUMAR @ UTAM PASWAN Son of Sri Rameshwar Paswan
Resident of Village - Dighi Kala Pachimi, P.S. - Hajipur Sadar, District -
Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Bela Singh, Advocate
Mr. Rajeev Ranjan, Advocate
For the Opposite Party/s : Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 29-09-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Vaishali
Sadar P.S. Case No. 278 of 2020 registered for the offence under
Sections 414 of the Indian Penal Code and 8/20(b)(ii)(8), 25 and
29 of the NDPS Act and Section 52 of Prisoners Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 19.02.2021.

The allegation against the petitioner is to involve in
trading of 'Ganja', where recovery is of 1.75 kg. and also found
in possession of 05 sets of stolen mobile.



Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced on basis of disclosure made by co-accused, namely, Ranjit Kumar, where, from possession of Ranjeet Kumar, total 1.750 kg of '*Ganja*' was recovered. It has further been submitted that similarly situated co-accused person has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 53561 of 2021 dated 22.09.2021. It is also submitted that neither '*Ganja*' nor any stolen mobiles were recovered from the possession of this petitioner. It is also submitted that provision of Section 37 of NDPS is not applicable, as the recovered quantity is less than commercial quantity. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as admittedly, no incriminating contraband or mobile were recovered from physical possession of this petitioner coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Vaishali Sadar P.S. Case No.



278 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, Vaishali at Hazipur/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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