

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38052 of 2021

Arising Out of PS. Case No.-92 Year-2021 Thana- AHIYAPUR District- Muzaffarpur

SANJEEV KUMAR S/o Late Lalbabu Rai Resident of Village- Bada Jagatnath, P.S.- Ahiyapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India through Additional Solicitor General, Patna High Court. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan

For the Opposite Party/s : Mr. Md. Ataur Rahman

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 07-01-2022 Heard learned counsel for the parties through video conferencing.

Petitioner seeks regular bail in connection with Ahiyapur P.S. Case No. 92 of 2021 / NDPS Case No. 12 of 2021 registered for the offence under Sections 20 / 22 of the N.D.P.S. Act and Sections 25 (1-b) a / 26 / 35 of the Arms Act.

Prosecution case in brief is that Police got information that some accused persons have assembled in the house of one Arun Kumar, who is an accused in Ahiyapur P.S. Case No. 87 of 2021, proceeded towards his house and arrested the petitioner and other accused persons. From the possession of the petitioner a country made pistol and one live cartridge were recovered and



from the possession of other accused persons $\frac{1}{2}$ Kg *Charas* and $\frac{1}{2}$ Kg *Ganja* and fire arms were recovered.

Learned counsel for the petitioner submits that petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case merely because he was present in the house of co-accused /Arun Kumar who was an accused in Ahiyapur P.S. Case No. 87 of 2021. He next submits that petitioner until the filing of the present case before this Court has not been remanded in Ahiyapur P.S. Case No. 87 of 2021. He further submits that *Charas* and *Ganja* to the extent of $\frac{1}{2}$ Kg recovered from other accused persons are not of commercial quantity, petitioner is in custody since 07/02/2021 having no criminal antecedent of similar nature of offence.

Regard being had to the submissions made by the parties, taking into consideration the materials available on record, nature of allegation, the fact that petitioner is in custody since 07/02/2021, no narcotic drugs / psychotropic substance has been recovered from the possession of the petitioner and charge sheet has already been submitted, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 20000/-



(twenty thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge cum Special Judge, Muzaffarpur in connection with Ahiyapur P.S. Case No. 92 of 2021 / NDPS Case No. 12 of 2021.

(Anil Kumar Sinha, J)

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