

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39592 of 2022

Arising Out of PS. Case No.-549 Year-2021 Thana- PARBATTa District- Khagaria

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Raushan Kumar Son of Prakash Yadav R/O Village- Taufir Diara, P.S.-
Mufassil, Distt.- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kamlesh Kumar Pathak, Advocate

For the Opposite Party/s : Mr.Madan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 14-10-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual Court proceedings.

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

The petitioner seeks bail in connection with Parbatta
(Maraiya) P.S. Case No. 549 of 2021 registered for the offence
under Sections 20 and 22 of the N.D.P.S. Act and under Section
25(1-b)a, 26 and 35 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 17.12.2021.

The allegation against the petitioner is to have in
possession of one country made pistol and also 100 gm. of
contraband i.e. ‘Ganja’, along with other co-accused persons.



Learned counsel appearing on behalf of the petitioner submitted that country made pistol and ganja were recovered from possession of one co-accused, namely, Jicchu Yadav @ Jitendra Yadav, who has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 36063 of 2022 vide order dated 20.09.2022. It is submitted that no Ganja, as alleged, was recovered from the conscious physical possession of this petitioner, who is a man of clean antecedent. While concluding the argument, it is submitted that investigation of this case is complete, for which, charge-sheet has 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 recovery of pistol and ganja, which is smaller quantity, were made from co-accused, not from this petitioner, who is a man of clean antecedent 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 Parbatta (Maraiya) P.S. Case No. 549 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions



Judge-III-cum-Special Judge (N.D.P.S. Act),
Khagaria/concerned court, subject to the conditions as laid
down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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