

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38838 of 2022

Arising Out of PS. Case No.-460 Year-2020 Thana- MINAPUR District- Muzaffarpur

1. SUBODH RAI @ SUBODH KUMAR S/O MAHESH RAI Resident of Village- Mahdeiya Raghobpur, P.S.- Meenapur, District- Muzaffarpur, State- Bihar.
2. NITISH KUMAR S/O RAMESHWAR RAI Resident of Village- Mahdeiya Raghobpur, P.S.- Meenapur, District- Muzaffarpur, State- Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nachiketa Jha
For the Opposite Party/s : Mrs.Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 10-10-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Petitioners seek regular bail in Minapur P.S Case No. 460 of 2020 registered for the offences punishable under Sections 272, 273, 120B/34 of the Indian Penal Code, section 30(a) of Bihar Prohibition and Excise Act and sections 8C, 20,21, 22 of NDPS Act.

On getting secret information that in huge quantity spirit and narcotic material are to be unloading, thereafter acting on a tiff off, the police party reached at village Raghobpur Mahdeiya and seeing the police party accused persons started



fleeing but one accused Sikandar Sahni has been apprehended and other accused persons managed to escape, thereafter house of father of the said accused was searched and 200 liters spirit was recovered and 10.5 kg narcotic material suspected to be ganja was recovered from the possession of other co-accused person and apprehended accused disclosed the names of 22 persons including the petitioners.

The main submissions advanced by learned counsel Shri Nachiketa Jha appearing for the petitioners are that both the petitioners were not arrested at the spot, from their possession any incriminating article was not recovered after their arrest, investigation has been completed against the petitioners and one co-accused Mahesh Rai has been granted bail by a coordinate bench of this court vide order passed in Cr. Misc. No. 44610/2021, against the petitioners there is criminal antecedent of one case and they have been languishing in jail since 31.3.2022.

Smt. Renu Kumari, learned APP appearing for the State has opposed the prayer for bail.

In view of above submissions and considering the fact that as per FIR both petitioners were not arrested at the spot and their names surfaced in the statement of co-accused persons



who were apprehended with illegal spirit and moreover, co-accused Mahesh Rai carrying similar allegation is on bail granted by a coordinate bench of this court and against the petitioners, investigation has been completed, in my view, a lenient approach may be taken in respect of the petitioners.

Let the petitioners be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Special Excise, Court No.I, Muzaffarpur in Minapur P.S Case No. 460 of 2020.

(Shailendra Singh, J)

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