

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39008 of 2022

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

Amrit Deo Verma Son of Jodhamani Deo Verma R/O Village- Danirampur,
P.S.- Sunamura, District- Sipahijala (Tripura)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-09-2022 Heard learned counsel appearing on behalf of the

petitioner and learned APP 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 Sections 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 100 grams of contraband i.e., '*Ganja*' and one fire
arm, alongwith other co-accused persons.



Learned counsel appearing on behalf of the petitioner submitted that though petitioner was apprehended on the spot, but on search, nothing was found upon the person and also from his house. It is submitted that alleged recovery of 100 grams of '*Ganja*' and one country made pistol was made from the house of co-accused, namely, Jichhu Yadav @ Jitendra Yadav. It is not a case of recovery of any incriminating material, as alleged, from the possession of the petitioner. It is further submitted that seizure list is also appearing doubtful, as same is supported by police personnel and not by independent witnesses. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded the fact that the alleged contraband and fire arm were recovered from the possession of the co-accused, namely, Jichhu Yadav @ Jitendra Yadav.

In view of the facts and circumstances, as mentioned above, as no contraband and fire arm was recovered from the possession of the petitioner, who is a man of clean antecedent



coupled with the fact that chargesheet 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.), Khagaria/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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