

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42080 of 2022

Arising Out of PS. Case No.-312 Year-2021 Thana- BIHPUR District- Bhagalpur

Sonu Kumar S/O Ram Pravesh Chaudhary Resident Of Village- Tatri Ward
No.- 03, P.S.- Navgachhiya, District- Bhagalpur, Bihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate

For the Opposite Party/s : Mr. A.G

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 16-11-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with NDPS
Case No. 45 of 2021 arising out of Bihpur P.S. Case No.312 of
2021 registered for the offences punishable under Sections 8,
20(b)(ii)A and 22 of the N.D.P.S. Act and also under Sections
25(1-B)a, 26 and 35 of Arms Act.

As per the prosecution, the informant along with the
police personnel raided the alleged place of occurrence and
apprehended this petitioner with two other co-accused persons.
Upon making search of the apprehended persons from the



possession this petitioner three live cartridges and 150 grams of narcotic material suspected to be *Ganja* was recovered and from the other two co-accused persons two country-made pistols with six live cartridges and 50 grams of narcotic material suspected to be *Ganja* were recovered.

The main submissions advanced by the learned counsel Mr. Shubhesh Pandey appearing for the petitioner are that against the petitioner there is criminal antecedent of one case in which he is on bail and as per the prosecution only three live cartridges and 150 gm narcotic material suspected to be *Ganja* were alleged to have been recovered from the possession of this petitioner. Further submission is that serious irregularities has been committed by the police while seizing and sampling of the alleged contraband and without obtaining the FSL report the charge-sheet has been submitted against the petitioner.

Learned APP appearing for the State has opposed the bail prayer.

In view of above submissions and mainly considering the petitioner's young age mentioned in the FIR and also the fact that the alleged suspected contraband comes under the purview of small quantity and in addition to the said contraband three live cartridges were alleged to have been recovered from



the possession of the petitioner as per the FIR, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner 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 concerned Court in connection with NDPS Case No. 45 of 2021 arising out of Bihpur P.S. Case No.312 of 2021.

(Shailendra Singh, J.)

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