

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58320 of 2021

Arising Out of PS. Case No.-134 Year-2021 Thana- HATHAURI District- Muzaffarpur

Naveen Kumar Son Of Late Asarfi Rai Resident Of Village- Paramjeevar,
Tole Chakki, P.S.- Hathauri, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Nachiketa Jha
For Union of India	:	Mr. Kanak Verma
For the State	:	Mr. Syed Mojibur Rahman

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 07-03-2022 Heard learned counsel for the petitioner, learned
counsel for the Central Government and learned APP for the
State.

The petitioner seeks bail in connection with Hathauri
P. S. Case No.134 of 2021, instituted for the offences under
Sections 399, 402/ 34 of the Indian Penal Code and Sections 20,
22 of the N.D.P.S. Act.

The learned counsel for the petitioner submits that the
petitioner is in custody since 10.06.2021, he is a person with
clean antecedent and charge-sheet has been submitted in this
case.

Allegation is of recovery of 2 kg. Ganja from a bag
allegedly being carried by the accused, who was sitting in the



middle of the motorcycle, who disclosed his name as Kundan Kumar and while Jitendra Sahani was driving the motorcycle and the petitioner was sitting as pillion behind Kundan Kumar.

The learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the F.I.R., it would manifest that the recovery was from Kundan Kumar, who was sitting in between Jitendra Sahani and this petitioner, as such, no recovery of any narcotic is alleged to have been made from the petitioner. It is further submitted that even assuming the allegation to be true without admitting the same then the allegation is only of recovery of 2 kg. Ganja which is a little more than the small quantity, but much less than commercial quantity which is 20 kg. It is further submitted that petitioner is a person with clean antecedent.

Learned A.P.P. opposes the bail application.

Considering the fact that the petitioner is in custody, he is a person with clean antecedent, charge-sheet has been submitted in this case and taking into consideration the submissions of the learned counsel for the petitioner, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of learned 8th Additional Sessions Judge,
Muzaffarpur in connection with N.D.P.S. Case No.62 of 2021
arising out of Hathauri P. S. Case No.134 of 2021.

The application stands allowed.

(Satyavrat Verma, J)

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