

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61488 of 2021

Arising Out of PS. Case No.-92 Year-2021 Thana- AHIYAPUR District- Muzaffarpur

RAHUL KUMAR Son of Late Tejan Paswan R/O Village - Bara Jagarnath,
P.S.- Ahiyapur, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok

For the Opposite Party/s : Mr.Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 10-02-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with Ahiyapur Police Station Case No. 92 of 2021, registered for the offences punishable under Sections 20/22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Sections 25 (1-b) a/26/35 of the Arms Act.

The prosecution case, as per the First Information Report, is that the police, on the basis of secret information that some accused persons have assembled in the house of the petitioner, who is also an accused in Ahiyapur Police Station Case No. 87 of 2021, proceeded towards his house and arrested the petitioner and other accused persons. From the possession of the petitioner a country made pistol and one live cartridge has



been recovered and from the possession of other accused persons, $\frac{1}{2}$ Kg Charas, $\frac{1}{2}$ Kg Ganja and fire arms were recovered.

Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case merely because he was an accused in Ahiyapur Police Station Case No. 87 of 2021. He further submits that Charas and Ganja, to the extent of $\frac{1}{2}$ Kg each, recovered from other accused persons, are not of commercial quantity. He further submits that similarly situated co-accused persons, namely, Sanjeev kumar (Criminal Misc. No. 38052 of 2021) and Arun Kumar (Criminal Misc. No. 38401 of 2021) have been granted bail by this Court. He further submits that the petitioner is in custody since 07.02.2021, having no criminal antecedent of similar nature of offence and charge sheet has already been submitted against him and as such, there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Regard being had to the submissions made by the parties, taking into consideration the materials available on record and the fact that petitioner is in custody since 07/02/2021, no narcotic drugs/psychotropic substance has been



recovered from the possession of the petitioner and charge sheet has already been submitted, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, NDPS, Muzaffarpur, in connection with Ahiyapur Police Station Case No. 92 of 2021.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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