

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63073 of 2021**

Arising Out of PS. Case No.-166 Year-2021 Thana- MINAPUR District- Muzaffarpur

KESHAV KUMAR PANDEY Son of Raghvendra Pandey Resident of
Village- Bakhari Chowk, Near D.A.V. School, P.S.- Ahiyapur, District-
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur

For the Opposite Party/s : Mr.Dr. Indiwari Kumari

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 25-03-2022 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in a case registered for the
offences under Sections 392 and 412 of the Indian Penal Code
read with Section 8 and 22 of the N.D.P.S. Act.

The learned counsel for the petitioner submits that the
petitioner is in custody since 17.05.2021, charge-sheet has been
submitted and has incident of two cases and the informant
alleges that he was intercepted by two accused on a motorcycle
and on point of gun snatched his cash, mobile and motorcycle,
but by fleeing, the petitioner along with other accused were
caught by villagers and during search apart from two mobile, 10
sachets of Smack was also recovered and accordingly the



petitioner was handed over to the police.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is submitted the arrest was not made by the police rather by the villagers, further though it is alleged that the mobile was recovered along with 10 sachets of Smack but mobile belongs to the petitioner, further, as far as recovery of sachets is concerned, that was planted by the police to falsely implicate the petitioner. It is submitted that neither the FIR nor the seizure list mentioned the quantity of the seized article, it is thus submitted that it is the quantity based on which it can be discerned that whether the alleged narcotic is of small quantity or commercial quantity or less than small quantity or more than commercial quantity or in between commercial quantity or small quantity. It is thus submitted that in absence of weight, it is difficult to ascertain the quantity recovered from the accused, as such, the petitioner deserves to be enlarged on bail.

The learned A.P.P. vehemently opposes the bail application.

Considering the fact the petitioner is in custody since 17.05.2021, charge-sheet has been submitted and taking into consideration the submission made by 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.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Minapur P.S. Case No. 166 of 2021 with a condition that one of the bailor of the petitioner shall be his father (Raghvendra Pandey).

The application stands allowed.

(Satyavrat Verma, J)

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