

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3079 of 2023

Arising Out of PS. Case No.-479 Year-2022 Thana- MALSALAMI District- Patna

1. SURAJ KUMAR Son of Jaunpuri Sahni R/V- Banstal Shabalpur P.S- nadi, Dist- Patna
2. Jitendra Kumar Son of Jawahar Ray R/V- Shabalpur Gulmahiya Chak, P.S- Nadi, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad

For the Opposite Party/s : Mr.Syed Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 17-07-2023 Heard learned counsel for the petitioners and learned APP for the State.

The petitioners have prayed for regular bail in a case registered for the offence punishable under sections 399, 402, 412 of the Indian Penal Code, Sections 8, 20(b)(ii)(B) of the N.D.P.S. Act and sections 25(1-b)a, 26, 35 of the Arms Act.

Allegation against the petitioners along with co-accused persons that while they were assembled and preparing for committing offence, the police party raided the place of occurrence and arrested them. On search, total 7.495 kg ganja, pistols, cartridges have been recovered from other co-accused persons and from possession of petitioner no.1,



one knife & a mobile and from petitioner no.2, one country made pistol was recovered. Accordingly, the present FIR has been lodged.

Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. They has falsely been implicated in this case. The petitioners have no concerned with the alleged arms or narcotic substance which were seized by the police. Similarly situated co-accused namely, Deepak Kumar has already been granted bail by this Court vide order dt. 26.6.2023 passed in Cr. Misc. No. 31974 of 2023. Moreover, the petitioners are languishing in judicial custody since 28.8.2022.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioners, this court is inclined to enlarge them on bail. The above named petitioners are directed to be released on bail in connection with Malsalami P.S. Case No. 479 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, XVIII,



Patna District- Panta.

(Sunil Kumar Panwar, J)

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