

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67300 of 2022

Arising Out of PS. Case No.-328 Year-2022 Thana- DALSINGHSARAI District- Samastipur

AJAY KUMAR Son of Jitendra Ram R/v- Sonvarsha Chawk, Musapur Dih
P.S.- Samastipur Muffasil, District- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India through NCB, Patna, Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 4960 of 2023

Arising Out of PS. Case No.-328 Year-2022 Thana- DALSINGHSARAI District- Samastipur

RAJEEV KUMAR SINHA @ RAJEEV KUMAR SINGH S/O PAWAN
KUMAR SINHA @ PAWAN KUMAR SINGH Resident of village- Kashipur,
Ward No.- 8, P.S.- Samastipur Muffasil District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. THE UNION OF INDIA THROUGH NCB, PATNA, BIIHAR BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 67300 of 2022)

For the Petitioner/s : Mr.Jitendra Narain Sinha

For the Opposite Party/s : Mr.Nawal Kishore Prasad

For UOI : Mr. Abhay Shankar Jha, CGC

(In CRIMINAL MISCELLANEOUS No. 4960 of 2023)

For the Petitioner/s : Mr.Jitendra Narain Sinha,

Ms. Shikha Roy,

Ms. Shruti Sinha

For the Opposite Party/s : Mr.Raj Kishor Singh

For Respondent : Mr. Anshuman Singh, CGC

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 02-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioner has prayed for bail in a case instituted



for the offence under Sections 8/20(B) (ii)/C/25/29 of the NDPS Act and Sections 25(1-B)A, 26 of the Arms Act.

Prosecution case relates to recovery of 42 kg. Ganja like substance from dickey of the Swift Desire Car by the police officials during patrolling and five persons including the petitioners were apprehended on spot

Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. Apprehended co-accused Deepak Kumar is the registered owner of the alleged car and on his request petitioner Ajay Kumar was driving it and Petitioner Rajeev Kumar was sitting inside as a passenger, so the liability cannot be fastened upon them because they are not aware about the fact that narcotic articles were kept in the said vehicle. Both the petitioners have no concern with the alleged recovery. Police has not complied the mandatory provision of Section 50 of the NDPS Act while preparing the seizure list They have got no criminal antecedent and both are languishing in judicial custody since 27.8.2022.

The application for bail is opposed by learned APP for the State and learned CGC for the UOI have opposed the prayer of bail and submitted that both the petitioners were apprehended



on spot.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Court of Sessions Judge, Samastipur in connection with Dalsingsarai P.S. Case No. 328 of 2022.

(Sunil Kumar Panwar, J)

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