

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7142 of 2023

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

SURAJ KUMAR Son of Jamun Sahni @ Jamun Sahani R/O- Satichaura
Sabalpur, P.S.- Nadi, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nityanand Kumar
For the Opposite Party/s : Mr. Md. Shakir Ahmad

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 11-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has 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 petitioner 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 this petitioner, one knife, a mobile along with cash of Rs. 7000/- has been recovered.

Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. He has falsely been implicated in this case. From perusal of FIR, only a knife, a mobile along with cash of Rs. 7000/- has been recovered from possession of this petitioner. So far as recovery of ganja and incriminating arms are concerned, the same were recovered from other co-accused persons and this petitioner has no concern with these seized articles. It is further submitted that the petitioner is 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 petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is 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) with two sureties of the like amount each to the satisfaction of learned A.D.J-XVIII, Patna District- Panta.

(Sunil Kumar Panwar, J)

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