

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9582 of 2023

Arising Out of PS. Case No.-257 Year-2022 Thana- BELA District- Sitamarhi

Hari Paswan @ Belwa Paswan @ Belwas Paswan Son Of Late Sobhit Paswan
R/O Vill.- Bhiswa (BHISWA Bazar), Ward No. 01, P.S.- Bela, Distt.-
Sitamarhi (BIHAR)

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Kumar

For the Opposite Party/s : Mr.Bharat Bhushan, App, 156

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 19-04-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner has filed the instant application
for grant of regular bail in a case registered for the
offences punishable under Sections 25(1-b)a, 26, 35 of
the Arms Act and Section 8/20(b)(ii)(c)/22 of the
N.D.P.S. Act.

The prosecution case in nutshell is that
informant, being a police official, received scret
information that 40-45 miscreants were assembled and
they are planning for committing dacoity. On raid, three



persons were apprehended and most of them fled away. It is further alleged that one kg each of Charas like narcotics substance has been recovered from the possession of co-accused Mukesh Kumar Paswan and Mithilesh Mandal @ Jayla Mandal and one country made pistol from the possession of co-accused Rakesh Kumar.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and he has falsely been implicated in the present case. Neither the petitioner was apprehended on spot nor anything incriminating has been recovered from his conscious possession. He has no concern either with the seized contraband and country made pistol or with the apprehended co-accused persons. The name of petitioner sprang up in this case on the confessional statement of apprehended co-accused persons, before the police, which got no evidentiary value in the eye of law. There is no specific allegation against the petitioner. Moreover, the petitioner is languishing in judicial custody since



12.10.2022. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

Learned APP appearing for the State has vehemently opposed the prayer for Bail.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Bela P.S. Case No. 257 of 2022 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Sitamarhi.

(Sunil Kumar Panwar, J)

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