

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10012 of 2023

Arising Out of PS. Case No.-123 Year-2021 Thana- DEWARIA District- Muzaffarpur

Umesh Mahto S/O Late Devdhari Mahto R/V- Bishunpur Saraiya, P.S.-
Deoriya, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Upendra Kumar Chaubey

For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 18-04-2023 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 connection with Deoriya P.S. Case No. 123 of 2021 registered under section 414 of the Indian Penal Code, Sections 25 (1-b)a, 26 of the Arms Act and Sections 8/20/22 of the NDPS Act.

Prosecution case relates to recovery of one loaded country made pistol along with one live cartridge, one kilogram of ganja like narcotics substance and one motorcycle from the possession of the petitioner.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. It is further submitted that the petitioner has no concern with the seized ganja like substance as



well as other seized articles. The recovered motorcycle as alleged from the petitioner does not belong to him. It is also submitted that the recovered ganja does not come under the purview of commercial quantity as per NDPS Act. There is no independent witness of the seizure list. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 13.08.2021.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as the custody of the petitioner, the Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Deoriya P.S. Case No. 123 of 2021 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 Sessions Judge Cum Special Judge NDPS Act, Muzaffarpur.

(Sunil Kumar Panwar, J)

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