

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.292 of 2023

Arising Out of PS. Case No.-88 Year-2022 Thana- BIHIA District- Bhojpur

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SANJAY KUMAR Son of Laxman Mahto Resident of Village - Masadh, P.S.-
Udwant Nagar in the district of Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 11800 of 2023

Arising Out of PS. Case No.-88 Year-2022 Thana- BIHIA District- Bhojpur

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JAI KUMAR SINGH Son of Dewta Singh @ Radha Mohan Singh R/v-
Masath, P.S.- Udwantnagar, (Gajrajganj), District- Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India. (N.D.P.S.) Delhi

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 292 of 2023)

For the Petitioner/s : Mr.Sunil Kumar

For the Opposite Party/s : Mr.Shyam Kumar Singh

(In CRIMINAL MISCELLANEOUS No. 11800 of 2023)

For the Petitioner/s : Mr.Dharmendra Kumar Singh

For the Opposite Party/s : Mr.Sunil Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 24-03-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners seek regular bail in connection with
Bihiya P.S. Case No. 88 of 2022 registered for the offence
under Sections 20(b), 11(b), 22, 29 of the N.D.P.S. Act.

As per prosecution case, after getting secret



information, the informant apprehended the accused persons. Upon search, 6 Kg ganja from bag of the petitioner namely, Sanjay Kumar was recovered. It is further alleged that apprehended accused persons disclosed that on instigation of petitioner namely, Jai Kumar Singh, they were carrying the narcotic material.

Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. They have falsely been implicated in this case. Learned counsel on behalf of the petitioner namely, Sanjay Kumar submitted that the petitioner has no concern with the alleged recovery of ganja and the same is 6 kg which does not come under purview of the commercial quantity. Learned counsel in respect of petitioner namely, Jai Kumar Singh submitted that nothing incriminating article was recovered from his conscious or constructive possession and his name has been transpired in this case on the basis of confession made co-accused Danjiv Kumar & Mukesh Kumar who were apprehended on spot. It is further submitted that the petitioners namely, Sanjay Kumar and Jai Kumar Singh are languishing in judicial custody since 13.3.2022 & 15.10.2022 respectively.

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, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be released on bail in connection with Bihiya P.S. Case No. 88 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 District and Sessions Judge-VIII, Bhojpur at Ara.

(Sunil Kumar Panwar, J)

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