

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13913 of 2023

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

1. Manish Kumar Son Of Yogendra Sahani R/O Mohalla- Sati Chouraha Sabalpur, P.S- Nadi, Dist- Patna
2. Chandan Kumar @ Sethi Son Of Sri Akhilesh Sahani R/O Mohalla- Banstar Sabalpur, P.S- Nadi, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijendra Prasad Sinha
For the Opposite Party/s : Mr.Vinod Shanker Modi

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 19-07-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners have prayed for regular bail in a case registered for the offence punishable under sections 399, 402, 412 of the IPC and Sections 25(1-b)a, 26, 35 of the Arms Act and 8/20(b)(II)(B) of the NDPS Act.

As per prosecution case, the petitioners were apprehended on the spot and from petitioner No-1 two live cartridges, one smart phone and cash of Rs. 3200/- and from the possession of petitioner No.2 1.180 grams ganja like substance and one smart phone were recovered.

Learned counsel for the petitioners submit that the petitioners are innocent and have committed no offence. They



have falsely been implicated in this case due to high handedness of the police officials. The petitioners have no concern with the alleged recovery rather it is a planted one and the recovered 1.180 grams ganja like substance does not come within the purview of commercial quantity. Similarly situated co-accused has already been granted bail vide order dated 26.06.2023 passed in Cr. Misc. No. 31974 of 2023. It is further submitted that the petitioner is languishing in judicial custody since 27.08.2020.

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 petitioners, this court is inclined to enlarge the petitioners on bail. The above named petitioners are 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 Additional Sessions Judge-XVIII, Patna.

(Sunil Kumar Panwar, J)

Manishkumar/-

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