

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20816 of 2023

Arising Out of PS. Case No.-225 Year-2022 Thana- MITHANPURA District- Muzaffarpur

JITU KUMAR SINHA S/o Anil Prasad Sinha @ Anil Kumar Sinha R/o
Rambag Mai Asthan, Sundarbag Gali no. 6, P.O.- Ramna, P.S.- Mithanpura,
Distt- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Shekhar Anand

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

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 04-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under Sections 399, 402, 216(A), 120B of the Indian Penal Code, Sections 25(1-b), 26, 35 of the Arms Act and Sections 8(C), 21(b) of the N.D.P.S. Act.

3. As per FIR, prosecution case relates to recovery of 10 gram smack like contraband substance from the possession of the petitioner at the time of his arrest. Other incriminating articles are alleged to have recovered from other co-accused persons.

4. Learned counsel for the petitioner submits that



the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. The petitioner has no concern with the alleged recovery of smack like narcotic substance and the same is alleged to be 10gm which does not come under purview of commercial quantity as per N.D.P.S. Act. Other co-accused persons who were apprehended on spot, disclosed the name of the petitioner. It is further submitted the provision of N.D.P.S. Act has not been followed properly by the prosecution. Moreover, similarly situated co-accused namely, Aman Kumar has already been granted bail by a co-ordinate Bench of this Court vide order dt. 1.8.2023 passed in Cr. Misc. No. 47001 of 2023. The petitioner has got no criminal antecedent and languishing in judicial custody since 17.7.2022.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. 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 N.D.P.S. Case No. 182 of 2022 arising out of Mithanpura P.S. Case No. 225 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-III, Muzaffarpur or concerned Court.

(Sunil Kumar Panwar, J)

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