

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25150 of 2023

Arising Out of PS. Case No.-119 Year-2022 Thana- BAJPATI District- Sitamarhi

VIKESH DAS Son of Late Dukha Das R/V- Matiar, P.s- Sahiyara, Dist-Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Virendra Kumar

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 399, 402 of the Indian Penal Code, sections 25(1-B)a, 26, 35 of the Arms Act and Sections 8(C), 20(b)(ii)(C)/29 of the N.D.P.S. Act.

As per FIR, allegation against the petitioner along with co-accused persons that while they were assembled and preparing for committing offence, the police party raided the place of occurrence and arrested two persons out of them. On search, some incriminating weapons as well as 1kg 10gm Charas were recovered from the possession of the apprehended co-accused persons.

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 narcotic substance or with incriminating weapons. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious possession. The name of the petitioner was disclosed by apprehended co-accused person from whose possession narcotic substance was recovered. It is further submitted that the petitioner is languishing in judicial custody since 21.9.2022.

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 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 Bajpatti P.S. Case No. 119 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 Special Judge, Sitamarhi.

(Sunil Kumar Panwar, J)

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