

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19272 of 2022

Arising Out of PS. Case No.-250 Year-2021 Thana- PAROO District- Muzaffarpur

SAURABH KUMAR Son of Sanjeev Kumar Upadhyay Resident of Village -
Paroo Gariba, P.S.- Paroo, Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratneshwar Prasad, Adv.

For the Opposite Party/s : Mr.Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 03-01-2023 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Paroo P.S. Case No. 250/2021(NDPS Case No. 93/2021), registered for the offence punishable under Sections 399, 402, 414, 34 of the Indian Penal Code, Sections 25(1-b)a 26, 35 of the Arms Act and Sections 20, 22 of the NDPS Act.

The allegation is regarding the police having raided the house of one Umesh Rai from where the petitioner was apprehended and upon search, one loaded pistol, six live cartridges and a sum of



Rs. 11,000/- were recovered from his possession.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 15.7.2021. The learned counsel for the petitioner has further submitted that the petitioner has a fair antecedent, inasmuch as he is an accused in only one case. It is further submitted that the petitioner has been languishing in custody since more than one year, hence, some sympathy be shown. It is also submitted that similarly situated co-accused persons have already been granted bail by a coordinate Bench of this Court, vide orders dated 7.4.2022 and 13.5.2022, passed in Criminal Miscellaneous No. 7134 of 2022 and Criminal Miscellaneous No. 16124 of 2022.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the



submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the materials available in the case diary, apart from considering the period of incarceration of the petitioner herein, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge, Muzaffarpur in connection with Paroo P.S. Case No. 250/2021 (NDPS Case No. 93/2021).

(Mohit Kumar Shah, J)

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