

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19429 of 2023

Arising Out of PS. Case No.-646 Year-2022 Thana- FORBESGANJ District- Araria

Shyam Sunder Kumar @ Pauwa @ Nitish Kumar Son of Triveni Yadav R/V-
Koriyapatti Ward no. 12, PS- jadia Dist- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana

For the Opposite Party/s : Mr.Nagendra Prasad

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 06-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 25.06.2022, in connection with Forbesganj PS Case No. 646 of 2022, FIR dated 24.06.2022 registered for the offences punishable under Sections 8/20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act and sections 25(1-b)a, 26 and 35 of the Arms Act.

3. According to prosecution case, 30 Kgs of Ganja has been recovered from a vehicle in which petitioner was also sitting along with other co-accused persons.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has been falsely implicated in this



case. He further submits that from bare perusal of FIR, it appears that only one country made pistol and two live cartridges were recovered from possession of the petitioner. Apart from that one Samsung mobile phone and one small mobile phone were also recovered from possession of this petitioner. He next submits that so far as recovery of contraband is concerned, the same was recovered from the vehicle in question of which petitioner is neither driver nor the owner of the vehicle in question and the owner of the vehicle in question is Manoj Kumar and other similarly situated co-accused have been granted bail by this Hon'ble Court.

5. Learned counsel for the State on the other hand vehemently opposes the prayer for bail and submits that petitioner carries eleven cases other than the present case, so petitioner could not demand parity with the other co-accused persons.

6. Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioner above-named on bail. Accordingly, the same is rejected.

(Rajesh Kumar Verma, J)

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