

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23321 of 2023

Arising Out of PS. Case No.-194 Year-2022 Thana- MANJHAGARH District- Gopalganj

PRINCE BHARTI Son of Nagendra Bharti Resident of Village-Bhadaur, PS-Shishvan, Dist-Siwan

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vikash Kumar Jha

For the Opposite Party/s : Mr.Sharda Kumari

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 22-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in a case registered for the offence punishable under sections 399, 402, 414, 420, 467, 468, 471 of the Indian Penal Code and sections 25(1-b)a, 26 and 35 of the Arms Act and Sections 20,22 and 29 of the NDPS Act.

Prosecution case relates to gathering of antisocial elements for hatching a conspiracy. Acting on a tip off, police party proceeded towards the place of occurrence and apprehended three accused persons including the petitioner, who disclosed that four of associates managed to escape. On search, arms and ammunition, ornaments, motorcycle and charas like contraband substance were recovered from their possession.

It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. The alleged



recovery of arms is planted one by the police officials. No local witness of the seizure list and witnesses are police personnel. There is complete violation of provisions of NDPS Act and no FSL report to show that seized contraband was charas. Moreover, the charas recovered is below the commercial quantity. Provision of Section 50 NDPS has not been followed by the police officials while preparing the seizure list. Similarly situated other accused person has already been enlarged on bail by another coordinate Bench of this Court vide order dated 18.5.2023 passed in Cr. Misc. No. 21479 of 2023. Petitioner is languishing in judicial custody since 9.12.2022. The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Special Judge, NDPS Act, Gopalganj in connection with Manjhagarh P.S. Case No. 194 of 2022.

(Sunil Kumar Panwar, J)

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