

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23796 of 2023

Arising Out of PS. Case No.-674 Year-2022 Thana- MANER District- Patna

SONU KUMAR, aged about 28 years (Male), son of Kameshwar Singh R/o
Village- Rewa, PS- Maner Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajanan Mishra, Advocate

For the Opposite Party/s : Mr.Ajay Kumar No. 2, App

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 12-05-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Special (Excise) Case No.37 of 2023 arising out of Maner P.S.
Case No. 674 of 2022 dated 20.09.2022 registered for the
offence(s) punishable under Section(s) 8(c), 20(B) of N.D.P.S.
Act, Sections 25(1-B)a,26 of Arms Act and Section 30(a) of
the Bihar Prohibition and Excise Act.

3. The main submissions advanced by the learned
counsel for the petitioner are that the instant matter relates to
the recovery of 15 small pouches containing alleged smack, four
live cartridges, some knives, some mobiles, Rs.36,260/- etc. and
all these materials are stated to have been recovered from
petitioner's house but the quantity of the alleged contraband



kept in those small pouches has not been disclosed in the FIR as well as in the seizure list and the cartridges were recovered without any gun or pistol, in fact the alleged contrabands have not been recovered from the petitioner's house and the place of recovery is completely vague as the particular portion of the petitioner's house has not been mentioned from where the recovery of said articles was made and two police officials have been made witnesses of the seizure while there were family members present in the petitioner's house but none of them was made witness to the said seizure which falsifies the allegation levelled against the petitioner. Further submissions are that the petitioner has fair and clean antecedent and has been languishing in jail since 10.10.2022 and he himself surrendered before the court below and against him, the investigation has been completed.

4. Learned APP appearing for the State opposes the bail prayer and submits that the alleged contrabands were recovered from petitioner's own house and he does not deserve to the privilege of bail.

5. Considering the above submissions and mainly the completion of investigation against the petitioner, his fair and clean antecedent and also the facts that he himself



surrendered before the trial court and in his trial, most of the witnesses, who are to be examined, are official persons and recovery of the alleged articles was made before two police officials, in the opinion of this Court a lenient approach can be taken in respect of the petitioner’s prayer, let the petitioner be released on bail in connection with Special (Excise) Case No.37 of 2023 arising out of Maner P.S. Case No. 674 of 2022 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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