

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22245 of 2022

Arising Out of PS. Case No.-578 Year-2021 Thana- JAKKANPUR District- Patna

SUJAY KUMAR @ ANDWA Son of Arun Kumar Singh Resident of Village -
Dariyapur Masaurhi, P.S. Masaurhi, District - Patna. At Present - D.N. Singh,
Lane Tenant in House of Jagnath Singh, P.S.- Jakkanpur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 04-01-2023 Heard the learned counsel for the petitioner and
the learned APP for the State.

The petitioner seeks regular bail in connection
with Jakkanpur PS case no. 578 of 2021 instituted for the
offences punishable under Sections 8C, 21(C), 25, 29 of
POCSO Act.

The case of the prosecution in brief is that during
the course of checking the vehicles, the police had apprehended
the petitioner and 33 grams of Brown Sugar was recovered.

The learned counsel for the petitioner submits
that the petitioner is innocent, has been falsely implicated in the
present case and is languishing in custody since 16.11.2021. The
learned counsel for the petitioner has further submitted that the
petitioner is an accused in three other cases but he is on bail in



all the three cases. It is also submitted that the quantity of Brown Sugar (Heroine), recovered from the petitioner is much less than the commercial quantity defined in the Schedule notified under the provisions of the N.D.P.S. Act, 1985 i.e. 250 gms., hence, benefit of doubt may be granted to the petitioner for the purposes of grant of bail.

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 parties and taking into account the materials available on record as also considering the fact that the quantity of Brown Sugar (Heroine) recovered from the petitioner is much less than the commercial quantity defined in the Schedule notified under the provisions of the N.D.P.S. Act, 1985 i.e. 250 gms., apart from the fact that the petitioner is languishing in custody since more than one year, I deem it fit and appropriate to enlarge the petitioner on bail.

Accordingly, the abovenamed petitioner is directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions



Judge-XVII-cum-Special Judge, N.D.P.S. in connection with
Jakkanpur PS case no. 578 of 2021.

(Mohit Kumar Shah, J)

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