

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22514 of 2023

Arising Out of PS. Case No.-137 Year-2022 Thana- TATARPUR District- Bhagalpur

RISHI KUMAR son of Late Satya Narayan Singh Village- Rikabganj Urdu
Bazar Ps- Tatarpur Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 22-05-2023 1. Heard learned counsel for the petitioner and
the learned APP for the State.
2. Petitioner seeks regular bail in connection
with N.D.P.S. Case No.81 of 2022 arising out of Tatarpur P.S.
Case No.137 of 2022 dated 29.06.2022 registered for the
offence(s) punishable under Section(s) 20 and 22 of the N.D.P.S.
Act.
3. The main submissions advanced by the
learned counsel for the petitioner are that the petitioner is not
named in the FIR, as per allegation made in the FIR 2.50 grams
of narcotic material suspected to be brown sugar was allegedly
recovered from the possession of co-accused Md. Iftexhar @
Bittu, who has been granted bail by this Court vide order passed
in Cr. Misc. No.2246 of 2023 and the petitioner's case stands on



better footing from him as firstly the petitioner was not arrested at the spot alongwith the said co-accused with the alleged contraband and secondly he is not named in the FIR. Further submissions are that the petitioner has been languishing in jail since 05.09.2022 and during investigation mainly on the basis of confessional statement of co-accused Md. Iftexhar @ Bittu the petitioner has been dragged in this case and against him the investigation has been completed.

4. Learned APP appearing for the State opposes the bail prayer.

5. Considering the above submissions and mainly the facts that the petitioner is not named in the FIR and the alleged contraband which comes in the purview of small quantity was recovered from the possession of co-accused who is on bail and as per above submission petitioner's name came into light in the alleged crime in the statement of the said co-accused upon which the prosecution is mainly relying in respect of the petitioner's involvement in the alleged crime and also the fact that against petitioner the investigation has been completed, 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 N.D.P.S. Case No.81 of 2022 arising



out of Tatarpur P.S. Case No.137 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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