

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24368 of 2022

Arising Out of PS. Case No.-15 Year-2022 Thana- BALIYA District- Begusarai

SANTOSH KUMAR DAS @ SANTOSH KUMAR S/o- Late Sukhdev Das
Resident of Village - Kasba Mochitola, P.S. - Ballia, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Randhir Kumar No.1, Advocate

For the Opposite Party/s : Ms.Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 09-01-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Ballia P.S. Case No. 15 of 2022, N.D.P.S. Case No. 04 of 2022 for the offence registered under Sections 08, 20, 21, 22 and 25 of the N.D.P.S. Act.

The case of the prosecution, in brief, is that on 15.01.2022, at about 5:00 A.M. in the morning, the informant had proceeded on patrolling duty alongwith the police force and when they had reached near Husain Chak Dhala, he received confidential information that some



miscreants have assembled at village Qasba in the orchard where Md. Jakir and others were selling and purchasing ganja/cough syrup containing psychotropic substance. It is further alleged that the informant alongwith the police force had reached at the place of occurrence and had apprehended the petitioner and some other co-accused persons and upon search, 50 gram ganja and 33 bottles of Relax cough syrup each containing 100 ml was recovered from the possession of one Farman and as far as the petitioner is concerned, no psychotropic substance/cough syrup was recovered.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 16.01.2022. The learned counsel for the petitioner has further submitted that though the petitioner is an accused in two other cases but he is on bail in the said two cases. The learned counsel for the petitioner has also submitted that there is no recovery of any



psychotropic substance from the petitioner herein, hence no case is made out as against the petitioner herein for the offences alleged.

Per contra, the learned A.P.P. 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 petitioner and taking into account the materials available on record, this Court finds that as far as the petitioner is concerned, there is no recovery of any psychotropic substance and merely four mobile phones have been recovered which are stated to be used mobile phone, hence, considering the fact that the petitioner is languishing in custody since 16.01.2022, I deem it fit and proper to direct for release of the petitioner herein on regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction



of learned Additional District Judge 1st cum Special Judge N.D.P.S. Act, Begusarai in connection with Ballia P.S. Case No. 15 of 2022, N.D.P.S. Case No. 04 of 2022.

(Mohit Kumar Shah, J)

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