

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26686 of 2022

Arising Out of PS. Case No.-62 Year-2022 Thana- ALAMGANJ District- Patna

NAVIN KUMAR JHA @ NAWIN KUMAR JHA @ ASHUTOSH, Son of
Ram Nath Jha @ Ramanath Jha, Resident of Village - Ghat Baruari (Garh
Baruari), P.s.- Supaul, Distt.- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amarnath Jha, Advocate

For the Opposite Party/s : Mr.Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 02-01-2023 Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in connection with Alamganj P.S.
Case No. 62 of 2022 corresponding to Special (NDPS) Case No. 17
of 2022 registered for the offence punishable under Section 25(1-
b)a/26 of the Arms Act and Section 20/22 of the NDPS Act.

Recovery of a pistol, magazine and 83.88 grams of smack
is alleged from the petitioner, leading to his arrest.

Learned counsel for the petitioner submits that the alleged
recovery is more than small yet much less than commercial quantity.
The recovery is denied and disputed by the petitioner. It is submitted
that there is no compliance with Section 50 of the NDPS Act and
prior to lodging of the instant case, there is no antecedents of the
petitioner. It is based on his confessional statement recorded in this



case that he has been implicated falsely in another case, also namely Alamganj P.S. Case No. 876 of 2021. He is stated to be in custody since 23.01.2022. The investigation is complete and the petitioner undertakes to participate and cooperate in the trial. He submits that the entire allegation is supported only by his own confessional statement recorded in custody and, therefore, the veracity of the allegations is itself doubtful.

Learned APP for the State has opposed the prayer for bail. It is submitted that the recovery is more than small quantity.

Considering the rival submissions, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel.

Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, 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 the learned District and Sessions Judge, Patna, in connection with Alamganj P.S. Case No. 62 of 2022 corresponding to Special (NDPS) Case No. 17 of 2022, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if



he fails to do so on two consecutive dates, his bail bond will be
liable to be cancelled.

(Madhuresh Prasad, J)

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