

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27748 of 2023

Arising Out of PS. Case No.-182 Year-2022 Thana- BIRPUR District- Supaul

Md Parvej Md Nurul Hoda Resident Of Village Tengiri Mahadev Patti Ps
Balua Bazar District Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal, Adv.

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 06-06-2023 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Birpur P.S. Case No. 182 of 2022 vide N.D.P.S. Case No.16 of
2022(Suppl) lodged under Sections 8/ 20/(B)(ii)(c), 2(c), 29 of
N.D.P.S. Act read with Sections 25(1-b) a, 26 and 35 of the
Arms Act.

As per the prosecution case, the allegation made in the
F.I.R. is against one Manohar Kumar Yadav who has been
apprehended from a *tempo* from which 28 Kg Ganja and from
the body of Manohar Kumar Yadav, one desi pistol with six live
cartridges along with mobile were recovered. Petitioner is not

named in the F.I.R..

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He submits that there is one criminal antecedent of the petitioner and he is accused in Kishanpur P.S. Case no.31 of 2022 dated 06.02.2022 lodged under Sections 279 and 304A of the I.P.C.

Counsel submits that he is the owner of the *tempo* but after accident, he has sold this *tempo* to one Gaurav Kumar Yadav on 10.03.2022. In this regard, an agreement was also prepared in the presence of witness which is Annexure-2. Counsel submits that the tempo was sold to Gaurav Kumar Yadav whereas the person who caught red-handed with N.D.P.S. material is the Manohar Kumar Yadav.

Counsel further submits that petitioner is in custody since 28.12.2022. Neither any ganja nor any arms were recovered from possession of petitioner.

Learned counsel for the State opposes the prayer for bail and submits that the petitioner is the owner of tempo.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to

the satisfaction of learned Sessions Judge-cum- Special Judge(NDPS), Supaul in connection with Birpur P.S. Case No. 182 of 2022 vide N.D.P.S. Case No.16 of 2022(Suppl), subject to the conditions as laid down under Section 437(3) of Cr.P.C.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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