

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.30002 of 2022

Arising Out of PS. Case No.-138 Year-2022 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Mithilesh Ranjan @ Kunal Son Of Rajiv Kumar Ranjan @ Rajiv Ranjan
Resident Of Galimpur, Ps - Haveli Kharagpur , Dist- Munger

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 29093 of 2022

Arising Out of PS. Case No.-138 Year-2022 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Manu Vatsa @ Mannu Singh @ Manu Singh S/o Nawin Kumar Resident of
Village - Vikrampur, P.S. Chariya Bariyarpur, District - Begusarai. presently
Residing at Shiv Bhawan Colony Near Police Line, P.S. Ishakchak, District -
Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 30002 of 2022)

For the Petitioner/s : Mr. Praveen Kumar

For the Opposite Party/s : Mr. A.G.

(In CRIMINAL MISCELLANEOUS No. 29093 of 2022)



For the Petitioner/s : Mr. Anupa Nand Jha
For the Opposite Party/s : Mr. Syed Mojibur Rahman

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 24-01-2023 Heard Ld. counsel for the petitioners and Ld. APP
for the State.

The petitioners seek bail in connection with
N.D.P.S. Case No. 27 of 2022 (arising out of Kotwali
(Jogsar) P.S. Case No. 138 of 2022, registered for the
offences punishable under Sections 21(b) and 22 of the
N.D.P.S. Act.

As per allegation, 3.25 grams, 5.30 grams and
4.80 grams of Brown Sugar(Smack) have been recovered
from three persons including the petitioner.

Ld. counsel for the petitioners submits that the
petitioner are innocent and have falsely been implicated in
this case. They further submit that nothing has been
recovered from the conscious possession of the petitioners.
They also submit that search and seizure has not been made
as per the procedure as prescribed under the N.D.P.S Act.
Moreover, the quantity of the recovered contraband is much



below the commercial quantity. They further submit that investigation in this case is complete and charge-sheet has already been submitted. They also submit that similarly situated other co-accused, namely, Kishore Kunal Sah has already been enlarged on bail by a co-ordinate Bench of this Court vide order dated 23.08.2022 passed in Cr. Misc. No. 28197 of 2022.

He further submits that the petitioners, namely, Mithilesh Ranjan @ Kunal and Manu Vatsa @ Mannu Singh have been languishing in jail since 15.02.2022 and 14.02.2022 respectively.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner, namely, Mithilesh Ranjan @ Kunal has earlier been made accused in three other cases whereas petitioner, namely, Manu Vatsa @ Mannu Singh has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently



opposes the prayer of the petitioners for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioners, above-named, to be enlarged on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. 4th Addl. District and Sessions Judge, Bhagalpur in connection with N.D.P.S. Case No. 27 of 2022 (arising out of Kotwali (Jogsar) P.S. Case No. 138 of 2022 on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him



from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioners.

Ld. counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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