

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31683 of 2023

Arising Out of PS. Case No.-144 Year-2022 Thana- KHAGARIA RAIL P.S. District-
Khagaria

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PUNIT MAHTO S/O CHHATISH MAHTO R/O Village- Nawada, Ward No.
12, P.S- Tiyai, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Viveka Nandsingh

For the Opposite Party/s : Mr.Shyameshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 401, 414 of the I.P.C., sections 20, 22 of the N.D.P.S. Act and sections 25(1-b)a, 26, 35 of the Arms Act.

The prosecution story, in brief, is that the police party reached at Khagaria Railway Junction after getting secret information then the accused persons tried to flee away but some of them were arrested on spot. Upon search, 75 tablets of Alprazolam were recovered from possession of this petitioner.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. The petitioner has no concern with the co-accused persons or with the alleged



recovery of such prohibited tablets which are also not come under purview of narcotic substance. It is further submitted the provision of N.D.P.S. Act has not been followed by the prosecution. Moreover, similarly situated co-accused namely, Rajesh Chaudhari has already been granted bail by this Court vide order dated 29.4.2023 passed in Cr. Misc. No. 16692 of 2023. The petitioner is languishing in judicial custody since 26.9.2022.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Rail Khagaria P.S. Case No. 144 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Spl Judge-cum-Addl. Sessions Judge 3rd Khagaria.

(Sunil Kumar Panwar, J)

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