

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34605 of 2023

Arising Out of PS. Case No.-546 Year-2022 Thana- BHAGWAN BAZAR District- Saran

SHUBHAM RAI S/O VINOD RAY @ BINOD RAI R/O Village-Ratanpura,
P.S-Bhagwan Bazar, Dist-Saran at Chapra

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar Sinha

For the Opposite Party/s : Mr.Surendra Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in a case registered for the offence punishable under sections 20/22 of the NDPS Act.

The allegation against the petitioner is of selling smack to other accused persons. It is further alleged that co-accused Tamatar Rai and Deepak Rai were apprehended and on search 5.27 gram and 5.39 gram of smack respectively were recovered from their conscious possession, and they disclosed that they purchased the same from the petitioner.

It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. He has committed no offence. Petitioner was not apprehended on spot.



He has no concern with the smack, which was seized by the police from the other co-accused persons. The name of the petitioner has come into light, on the basis of confessional statement of co-accused, who apprehended on spot, which has got no evidentiary value in the eyes of law. No incriminating article has recovered from the conscious possession of the petitioner. Provision of Section 100 CR.P.C. has not been followed by the police officials while preparing the seizure list. Similarly situated other accused person has already been enlarged on bail by this Court vide order dated 24.6.2023 passed in Cr. Misc. No. 31649 of 2023. He is languishing in judicial custody since 19.01.2023.

The application for bail is opposed by learned APP for the State and submitted that petitioner is having one criminal antecedent of similar nature.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge-cum-Special Judge,



Saran at Chapra in connection with Bhagwan Bazar P.S. Case
No. 546 of 2022.

(Sunil Kumar Panwar, J)

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