

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42640 of 2023

Arising Out of PS. Case No.-454 Year-2022 Thana- GAIGHAT District- Muzaffarpur

Manohar Kumar S/o Jai Narayan Rai, Resident of Village- Jamalpur Kodai,
Post and P.S.- Gaighat, District – Muzaffarpur, Biha.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyendra Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

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

2. The petitioner seeks regular bail in connection with
N.D.P.S. Case No.13 of 2023 arising out of Gaighat P.S. Case
No.454 of 2022 dated 20.09.2022, lodged under Sections 399,
402, 414 of the Indian Penal Code read with Section 25(1-B)a/
26/35 of the Arms Act and Section 8/20(b)(ii)(B) of N.D.P.S.
Act.

3. As per prosecution case, the F.I.R. has been lodged
against seven named accused persons including the present
petitioner with allegation that they are preparing for dacoity and
recovery of N.D.P.S. material i.e. 2.750 kg *ganja* has been
made.

4. Learned counsel for the petitioner submits that



petitioner is innocent and has committed no offence. He further submits that from the bare perusal of the F.I.R. it transpires that petitioner is named in this case only and only by virtue of confessional statement of co-accused who has disclosed that petitioner was also involved in commission of crime and distribution use to take place in the looted material. Learned counsel for the petitioner submits that neither petitioner was apprehended from the place of occurrence nor recovery of any article has been made from his possession which is apparent from the seizure list. He further submits that in the light of order passed in the case of *Toofan Singh Vs. The State of Tamil Nadu*, reported in *AIR 2020 SC 5592* the confessional statement is of no legal value. He also submits that petitioner is in custody since 30.11.2022 and there is one criminal case pending against him, in which he is on bail.

5. Learned counsel for the State opposes the prayer for bail.

6. 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 3rd Additional Sessions Judge,



Muzaffarpur in connection with N.D.P.S. Case No.13 of 2023 arising out of Gaighat P.S. Case No.454 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

7. With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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