

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39892 of 2023

Arising Out of PS. Case No.-450 Year-2022 Thana- GARDANIBAG District- Patna

SANTU KUMAR Son Of- Raghu Ram, Resident Of Village- Yarpur Yogiya
Toli, P.S.- Gardanibagh, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Jiban Pd. Singh, Adv.

For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 17-07-2023 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Spl. Case No. 144 of 2022 arising out of Gardanibagh P.S. Case
No. 450 of 2022, dated 10.08.2022 registered for the offence
punishable under Section 22(b) of N.D.P.S. Act.

3. The main submissions advanced by petitioner's
counsel are that the instant matter relates to the recovery of
8.710 gram *brown sugar/heroin* but the same was not recovered
from the conscious possession of the petitioner and the
petitioner was only a passerby near the place of recovery and he
has falsely been implicated in this case by the police to extort
money. Further submissions are that the mandatory provisions
of search and seizure of NDPS Act were not followed by the
police during the alleged recovery of contraband and there is no



independent witness of search and seizure. Further submission is that there is no compliance of Section 100 of Cr.P.C. and one similarly situated co-accused person namely, Vikash Thakur has been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No. 2193 of 2023. It is further submitted that the petitioner has been languishing in jail since 11.08.2022 having fair and clean antecedent.

4. Learned APP appearing for the State opposes the prayer for bail.

5. Considering the above submissions and mainly petitioner's custody period and his fair and clean antecedent and the fact that there is no independent witness of alleged search and seizure of the contraband, in my opinion, it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Spl. Case No. 144 of 2022 arising out of Gardanibagh P.S. Case No. 450 of 2022.

(Shailendra Singh, J.)

Maynaz/-

U		T	
---	--	---	--

