

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52202 of 2022

Arising Out of PS. Case No.-168 Year-2022 Thana- MALSALAMI District- Patna

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Ankit Patel @ Bhoma Son Of Brahmdev Prasad R/O- Bhaisani Tola,
Mansoorganj, P.S.- Malsalami, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nityanand Kumar

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

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 28-06-2023 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 399, 402, 413 of the Indian Penal Code, Section 25(1-B)a, 26, 35 of the Arms Act and Section 8, 20(b)(ii)(B) of the N.D.P.S. Act.

The prosecution case, in brief, is that on 22.03.2022 at about 5.00 P.M., while the informant, who is the police Inspector of Malsalami Police Station, along with other police personnel were on patrolling duty, the informant received secret information that some criminals have gathered with arms and ammunition near pond of Mathani Tal and they were planning to commit some crime. The informant along with police personnel had reached there and arrested seven miscreants including the petitioner and upon search, arms and ammunition, Ganja,



mobile, vehicle etc. were recovered from their possession. As far as the petitioner is concerned, two county made pistols, three cartridges, 1kg & 150 gm Ganja and one mobile were recovered from his possession. It is further alleged that Rs. 50,000/- has also been recovered from his house.

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 seizure list has not been prepared under the provision of Section 100 of Cr.P.C. The recovery of Ganja like substance has not come within the purview of commercial quantity. It is further submitted that the other similarly situated co-accused persons have already been granted bail by this Bench vide order dated 07.04.2023 passed in Cr. Misc. No. 58792 of 2022 and Cr. Misc. No. 67712 of 2022. Moreover, the petitioner is languishing in judicial custody since 23.03.2022.

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 period of 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 Malsalami P.S.
Case No. 168 of 2022 (Spl. Case no. 54/2022) on furnishing bail
bond of Rs.10,000/- (ten thousand) with two sureties of the like
amount each to the satisfaction of learned Additional Sessions
Judge-XXIV, Patna.

(Sunil Kumar Panwar, J)

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