

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60646 of 2022

Arising Out of PS. Case No.-122 Year-2022 Thana- SARAIYA District- Muzaffarpur

Rahul Kumar @ Kranti Yadav Son of Rajan Rai R/V- Basudeo Patti, PS-
Saraiya, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Uday Prakash Shrarma, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 20-04-2023 Let the defects, if any, pointed out by the office be removed within four weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

2. Heard learned counsel for the petitioner and the learned APP for the State.

3. Petitioner seeks regular bail in connection with Saraiya P.S. Case No. 122 of 2022 (NDPS Case no. 63 of 2022) dated 23.02.2022 registered for the offences punishable under Sections 399 and 402 of the Indian Penal Code and under Section 25(1-B)a, 26 and 35 of the Arms Act and Section 8, 20 and 22 of the NDPS Act.

4. The main submissions advanced by learned counsel for petitioner are that co-accused Chandan Kumar from whose possession cartridges and narcotic material suspected to be

'smack' were recovered, has been granted bail by a co-ordinate bench of this Court vide order passed in Cr. Misc. No. 33740 of 2022 and co-accused Nitesh Kumar whose case is completely identical to the petitioner in respect of recovery of fire-arm and contraband, has also been granted bail by a co-ordinate bench of this Court vide order passed in Cr. Misc. No. 23902 of 2022 and co-accused Kundan Kumar whose case is also identical to the petitioner has also been granted bail by a co-ordinate bench and all the said co-accused persons were granted bail after their custody period of six months and the present petitioner has spent about one year in jail in connection with the present matter. Further submission is that 0.11 grams of the alleged contraband has been recovered from the conscious possession of the petitioner which comes in the purview of small quantity and against the petitioner investigation has been completed.

5. Learned APP for the State has opposed the bail prayer of the petitioner.

6. Considering the above submissions and mainly the privilege of bail having been granted to several similarly situated co-accused persons as mentioned above and also taking into account the petitioner's custody period, in my opinion, it is a fit case for bail to the petitioner. Accordingly, let the petitioner

named above be enlarged on bail **after framing of charge, if the same has not been framed**, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in connection with Saraiya P.S. Case No. 122 of 2022 (NDPS Case no. 63 of 2022).

(Shailendra Singh, J)

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