

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59447 of 2022

Arising Out of PS. Case No.-352 Year-2022 Thana- JAGDISHPUR District- Bhojpur

Sanjay Mushar @ Sanjay Musahar S/o Mangru Musahar Resident of Village
Babhaniaon, P.S- Jagdishpur, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamlesh Prasad Yadav, Advocate

For the Opposite Party/s : Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 15-02-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

At the outset, learned counsel appearing on behalf of the petitioner seeks direction to correct the defect(s) as pointed out by the office in para-6 of the bail petition, where date of the impugned order is wrongly mentioned as 20.08.2022, instead of 26.08.2022.

Accordingly, learned counsel for the petitioner is permitted to make necessary correction during the course of the day itself.

The petitioner seeks bail in connection with NDPS (SL) Case No. 40 of 2022 arising out of Jagdishpur P.S. Case No. 352 of 2022 registered for the offence under Section 20/21 NDPS Act.



The accused/petitioner is named in the F.I.R. and is in custody since 20.07.2022.

The allegation against the petitioner is to be engaged in illegal activities of selling and purchasing of contraband i.e. Heroin, where 10.97 grams of Heroin was recovered from the co-accused persons, namely, Tuna Mishra alongwith cash of Rs. 4200/-.

Learned counsel appearing on behalf of the petitioner submitted that name of petitioner surfaced in the present case on the basis of disclosure as made by co-accused, Tuna Mishra, admittedly, no recovery of contraband was made from the conscious physical possession of this petitioner. It is submitted that said Tuna Mishra has already been granted bail by this Court vide order dated 24.11.2022, passed in Cr. Misc. No. 56958 of 2022. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation of this case is complete, where charge-sheet has been submitted, as such, there is no chance of tempering with the evidence.

Learned APP, while opposing the prayer of bail fairly conceded that no contraband/heroin was recovered from the physical possession of this petitioner.



Considering the facts and circumstances as mentioned above, as there is no recovery of contraband/heroin from the possession of this petitioner, who is a man of clean antecedent coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with NDPS (SL) 40 of 2022 arising out of Jagdishpur P.S. Case No. 352/22 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned court of Sessions Judge, Bhojpur, Ara/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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