

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57182 of 2022

Arising Out of PS. Case No.-8 Year-2022 Thana- GAIGHAT District- Muzaffarpur

VIJAY KUMAR Son of Bindeshwar Mahto @ Bindeshwari Mahto R/V-
Karanpur, Nishad Dwar Bochahanm P.S- Bochahan, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur

For the Opposite Party/s : Mr.Nand Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 10-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in a case registered
for the offence punishable under sections 411, 414, 34 of the
Indian Penal Code, Sections 8, 20 and 22 of the NDPS Act.

As per allegation in the FIR, on seeing the patrolling
police, four miscreants started to fleeing away but on chase,
three accused persons including the petitioner were apprehended
on spot. They disclosed that they are indulged in snatching the
passers by and on the alleged date of occurrence, they
assembled there to sell ganja and while they were waiting for
customers, they were apprehend with one pulsar motorcycle
from which one kilogram ganja was seized.

Learned counsel appearing on behalf of the petitioner



has submitted that petitioner is innocent and has committed no offence. Nothing has been recovered from possession of the petitioner. Chargesheet has been submitted before the FSL report without confirming the seized incriminating material. Police has not complied the mandatory provision of Section 50 of the NDPS Act. The seized article (1 kg. Ganja Like substance) is exact the small quantity. Similarly situated other accused person has already been enlarged on bail by another coordinate Bench of this Court vide order dated 31.8.2022 passed in Cr. Misc. No. 27491 of 2022.

Petitioner has got no criminal antecedent and he is languishing in judicial custody since 7.1.2022.

The application for bail is opposed by learned APP for the State and submits that FSL report corroborates the prosecution case.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Muzaffarpur in connection with



NDPS Case No. 27/2022 arising out of Gaighat P.S. Case No.
08 of 2022.

(Sunil Kumar Panwar, J)

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