

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60311 of 2022

Arising Out of PS. Case No.-246 Year-2022 Thana- RAJIVNAGAR District- Patna

RAJU KUMAR @ RAJU KUMAR SINGH S/o Late Dilip Singh R/o Village-Bedaulya, P.S.- Vaishali, Distt-Vaishali at Hajipur. Present Address- As tenant in the House of Manoj Kumar, Gandhi Nagar, Kanchanpuri, P.S.- Rajiv Nagar, Distt-Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjai Kumar Singh

For the Opposite Party/s : Mr.Ajit Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 16-01-2023 Heard the learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with Rajiv Nagar PS case no. 246 of 2022 instituted for the offences punishable under Sections 8, 20(b)(ii)(B), 25, 27(a), 29 of N.D.P.S. Act, 1985.

The case of the prosecution in brief, according to the informant, is that on 24.05.2022 at about 9 pm, he received secret information that sale and purchase of ganja is taking place at Gandhi Nagar, Kanchanpuri, whereafter, he along with the police had gone to the alleged place of occurrence and had apprehended the petitioner along with one Manoj Kumar. The police force had then conducted a search in the room adjacent to the house of the



said Manoj Kumar and from there, one electronic weighing machine, 05 kg ganja and a sum of Rs. 2,10,655/- was recovered apart from recovery of a sum of Rs. 21,675/- worth of change from a plastic set and further, 1.400 gm. of ganja was seized from a Baleno vehicle apart from recovery of mobile phones and a scooty. It is also alleged that the apprehended co-accused persons, upon interrogation, had disclosed that they used to take ganja from co-accused person namely Dinesh Kumar, whereafter, the police had gone to the house of said Dinesh Kumar, apprehended him and had conducted a search in his house and 04 kg. of ganja, one weighing scale etc. and a sum of Rs. 7,89,710/- was recovered apart from recovery of mobile phone, motorcycle and other articles.

The learned counsel for the petitioner submits that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and he is languishing in custody since 26.05.2022. It is further submitted that the petitioner was apprehended from the spot along with the co-accused person namely Manoj Kumar, however recovery has been made from the house of the said Manoj Kumar and not from that of the petitioner, hence, the petitioner is not having any complicity in the matter.

Per contra, the learned APP for the State has



vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available, this Court finds that as far as the petitioner is concerned, no recovery has been made, more particularly, that of any narcotic substance apart from the fact that he is having a clean antecedent, hence, I deem it fit and appropriate to admit the petitioner to the privilege of bail.

Accordingly, the abovenamed petitioner is directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-XIII, Patna in connection with Rajiv Nagar PS case no. 246 of 2022.

(Mohit Kumar Shah, J)

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