

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60178 of 2022**

Arising Out of PS. Case No.-425 Year-2022 Thana- BARACHATTI District- Gaya

Sandeep Kumar Son of Ram Milan Prasad, Resident of Village - Bibi Pesra,
P.S.- Dhangai, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Suraj Narain Yadav, Advocate Mr. Nikhilesh Kumar, Advocate Mr. Binod Kumar Sinha, Advocate Ms. Sweta Kumar, Advocate
For the Opposite Party/s :		Mr. Sanjay Kumar Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER**

4 04-04-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Barachatti P.S. Case No. 425 of 2022 dated 27.05.2022
registered for the offences punishable under Sections 18, 20 and
22 of N.D.P.S. Act.

As per the prosecution, police personnel on secret
information apprehended this petitioner with a co-accused and
upon search recovered 350 grms. of contraband suspected to be
Brown Sugar from the alleged motorcycle.

The main submissions advanced by the learned
counsel for the petitioner are that the petitioner has no criminal



antecedent, at the time of recovery of alleged contraband the petitioner was riding on a motorcycle bearing registration no. BR02AM-5474 and as per the FIR the said motorcycle had no dicky so there was no question of recovery of any contraband from the said motorcycle and as per prosecution the alleged contraband was recovered from the other motorcycle bearing registration no. BR02AM-7220 on which co-accused namely, Bhola Kumar and Karan Kumar @ Pintu Kumar were riding and the said co-accused namely Bhola Kumar has been granted bail by a co-ordinate bench of this court vide order passed in Cr. Misc. No. 57742 of 2022. Further submission is that as per prosecution's allegation 350 grams of Brown Sugar like material and 500 grams of Sattu like material were recovered and samples were taken from both the articles and thereafter the same were sent to Forensic Science Laboratory but in the F.S.L. examination 'Caffeine' was detected in the said samples by Forensic Science Laboratory department. Further submission is that the petitioner is a young person having no criminal antecedent and he has been languishing in jail since 29.05.2022.

Learned APP appearing for the State has opposed the bail prayer, but fairly accepted that as per Forensic Science Laboratory report no narcotic material was found in the samples



sent to the F.S.L. for examination.

In view of the facts as stated above and mainly considering the petitioner's young age and his fair and clean antecedent and the privilege of bail having been granted to co-accused Bhola Yadav by a co-ordinate bench of this court and also the Forensic Science Laboratory expert's opinion which goes against the prosecution's allegation, in the opinion of this court, the petitioner deserves to a lenient approach of this court. Accordingly, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Barachatti P.S. Case No. 425 of 2022.

(Shailendra Singh, J)

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