

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60548 of 2022

Arising Out of PS. Case No.-592 Year-2022 Thana- AHIYAPUR District- Muzaffarpur

Ramesh Kumar Chaturvedi Son of Ravindra Chaturvedi Resident of Village-
Nayagawn Murhan @ Borahan Mohanpur, P.S.- Shyampur Bhatahan,
District- Shivhar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Nachiketa Jha, Advocate

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

5 20-03-2023 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.

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

Petitioner seeks regular bail in connection with Ahiyapur P.S. Case No. 592 of 2022 registered for the offence punishable under Sections 8(c) and 21(c) of NDPS Act.

As per the prosecution, the police personnel on information raided the alleged house and apprehended this petitioner and upon search total fifty grams of narcotic material suspected to be ‘*Smack*’ was recovered and thereafter from the alleged house total two hundred and sixty grams of said

contraband was also recovered.

The main submissions advanced by learned counsel for petitioner are that against the petitioner there is one criminal antecedent lodged under the NDPS Act in which he is on bail, in the present matter he was apprehended at the instance of co-accused Vishal Kumar Pandey and as per the prosecution, only fifty grams of narcotic material believed to be '*smack*' kept in small pouches was recovered from the possession of this petitioner and the said recovered contraband comes in the category of intermediate quantity and the investigation has been completed against the petitioner but without obtaining the FSL report of the alleged contraband the police submitted charge sheet against the petitioner. Further submission is that the petitioner has been languishing in jail since 08.07.2022 and co-accused Vishal Kumar Pandey on whose possession fifty grams of the same narcotic material was allegedly recovered has been granted bail by a co-ordinate bench of this Court vide order passed in Cr. Misc. No. 64612 of 2022 and the case of this petitioner is completely identical to the said co-accused.

Learned APP for the State has opposed the bail prayer.

Considering the above submissions and mainly the facts that the investigation has been completed against the petitioner

and the narcotic contraband allegedly recovered from the possession of this petitioner comes in the purview of intermediate quantity and one similarly situated co-accused mentioned above is on bail, in my opinion, the petitioner deserves to the privilege of bail. Accordingly, let the petitioner named above be enlarged on bail 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 Ahiyapur P.S. Case No. 592 of 2022, **further on this condition that the petitioner will be released after the framing of charge upon him.**

(Shailendra Singh, J)

Shahnawaz/-

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