

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59322 of 2022

Arising Out of PS. Case No.-414 Year-2022 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

Sanjay Kumar Yadav Son Of Munna Yadav R/O Upartola Gwala Toli, P.S.-
Jogsar, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madan Mohan

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 04-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in connection with
Kotwali (Jogsar) P.S. Case No. 414 of 2022 registered for the
offence punishable under sections 21(B) and 22 of the NDPS
Act.

The prosecution case relates to recovery of Brown
Sugar (Smack) weighing 5.14 gms along with the shiny paper
from the possession of the other co-accused, Sanjay Kumar
Mandal.

Learned counsel for the petitioner submits that the
petitioner is innocent and committed no offence. He has falsely
been implicated in this case on the basis of suspicion. The name
of the petitioner came into light on the basis of the confession
made by co-accused Sanjay Kumar Madal, the person who was



apprehended on the spot and from whose possession the alleged recovery was made. The petitioner has no concern with the alleged recovery and neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious possession. It is further submitted that the alleged recovery does not come under the purview of commercial quantity as per NDPS Act. The petitioner is languishing in judicial custody since 2.7.2022.

Learned APP appearing for the State has opposed the prayer of Bail.

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 ADJ XV, Bhagalpur in connection with Kotwali (Jogsar) P.S. Case No. 414 of 2022.

(Sunil Kumar Panwar, J)

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