

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63505 of 2023

Arising Out of PS. Case No.-95 Year-2021 Thana- NATHNAGAR District- Bhagalpur

Rupesh Kumar @ Rupesh Yadav S/O Tutu Yadav R/O Village- Noorpur,
Nathnagar, PS. Madhusudanpur, Dist. Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh, Advocate

For the Opposite Party/s : Mr.Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 10-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in a case registered under
Section 20/22 of the Narcotic Drugs and Psychotropic
Substances Act, 1985 and Section 25(1-b)a/26 of the Arms Act.

3. The prosecution case, in short, is that the police, on
receipt of secret information, raided at Nathnagar Station and
saw the petitioner was going to S.R. School side hanging a bag
with him. On seeing the police party, he tried to escape
unsuccessfully. On search of the bag, 1.164 gram Ganja was
recovered along with one country made pistol and one live
cartridge.

4. It has been submitted on behalf of the petitioner that
the petitioner is in custody since 08.02.2021. Charge-sheet has



been submitted in this case. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. It is alleged that 1.164 gram of Ganja along with one country made pistol and one live cartridge have been recovered. The recovered Ganja is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. There is also no compliance of Section 100 Cr.P.C. in respect of offence under the Arms Act.

5. On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

6. Considering the aforesaid facts and circumstances, it is directed that the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Court below/concerned Court in connection with Nathnagar P.S. Case No. 95 of 2021.

(Sudhir Singh, J)

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