

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72412 of 2022

Arising Out of PS. Case No.-670 Year-2021 Thana- KANTI District- Muzaffarpur

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Bittu Tiwari @ Vishwajeet Kumar Tiwari @ Vishwjeet Tiwari Son Of Ram
Pravesh Tiwari R/O Village- Shivhar, Ward No.04, Tetaria, P.S.- Shivhar,
District- Shivhar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Yugal Kishore

For the Opposite Party/s : Mr.Satya Nand Shukla

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 20-03-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under section 115, 399, 400, 402 of Indian Penal Code and Sections 25(1-b)a, 26/35 of Arms Act and Section 8(c) 21(b) of NDPS Act.

As per prosecution case, informant alleged after getting information he along with police party reached at the place of occurrence and arrested five accused persons along with this petitioner and from possession of the petitioner one country made loaded pistol, three bullets and 40 grams smack like substance were recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has



falsely been implicated in this case. The petitioner has no concern with the alleged recovery of smack like substance and other articles. The recovered smack like substance does not come under the purview of commercial quantity as per NDPS Act. It is further submitted that the co-accused namely, Rajesh Kumar @ Raja has already been granted bail by a coordinate Bench of this Court vide order dated 28.09.2022 passed in Cr. Misc No. 71561. Petitioner is languishing in judicial custody since 26.10.2021.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as judicial custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Kanti P.S. Case No. 670 of 2021 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge cum-Special Judge, Muzaffarpur.

(Sunil Kumar Panwar, J)

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