

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72490 of 2022

Arising Out of PS. Case No.-328 Year-2022 Thana- DALSINGHSARAI District- Samastipur

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AVINASH KUMAR SON OF BHIKHRANJAN YADAV R/O VILLAGE-
PUSHO WARD NO.7, P.S.- BITHAN, DISTRICT- SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 08-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in a case registered
for the offence punishable under sections 8/20(B)(ii)/C/25/29 of
NDPS Act and Section 25(1-B)A,26 of the Arms Act.

Prosecution case relates to recovery of 42 kg. Ganja
like substance from dickey of the Swift Desire Car by the police
officials during patrolling and five persons including the
petitioner was apprehended on spot

Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and have committed no
offence. Apprehended co-accused Deepak Kumar is the
registered owner of the alleged car and on his request co-
accused Ajay Kumar was driving it and Petitioner Avinash



Kumar was sitting inside as a passenger, so the liability cannot be fastened upon the petitioner because he was not aware about the fact that narcotic articles were kept inside the vehicle. Petitioner has no concern with the alleged recovery. Police has not complied the mandatory provision of Section 50 of the NDPS Act while preparing the seizure list. Similarly situated other accused person has already been enlarged on bail by this Court vide order dated 2.5.2023 passed in Cr. Misc. No. 67300 of 2022. Petitioner has got no criminal antecedent and he is languishing in judicial custody since 27.08.2022.

The application for bail is opposed by learned APP for the State and learned CGC for the UOI have opposed the prayer of bail and submitted that this petitioner was apprehended on spot.

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 CJM,



Dalsingsarai in connection with Dalsingsarai P.S. Case No. 328
of 2022.

(Sunil Kumar Panwar, J)

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