

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6187 of 2024

Arising Out of PS. Case No.-235 Year-2023 Thana- PANDAUL District- Madhubani

Santosh Kumar Pandey @ Santosh Pandey @ Munur Pandey son of Late
Ram Naresh Pandey Village- Bhaur Rajegram Ps- Pandaul Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Shailendra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 12-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Pandaul P.S. case No. 235 of 2023 instituted for the offences under Sections 272, 273/34 of the Indian Penal Code, Section 30(a) of the Bihar Prohibition & Excise Act and Sections 8/20 (b)(ii)/22 of the N.D.P.S. Act.

3. Prosecution case, in short, is that on the basis of secret information, police raided *Apna Hotel* and seized 7.5 litres of foreign liquor and 1.7 Kg. *ganja* from the kitchen of the said hotel.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 08.11.2023 and has no criminal



antecedent. The petitioner has falsely been implicated in the present case merely on the basis of suspicion.. Learned counsel further submitted that petitioner is neither the owner nor employee of the alleged *Apna Hotel* and has no concern with the alleged recovery. Learned counsel next submitted that nothing incriminating was recovered from the conscious possession of the petitioner. The recovered contraband is just above the small quantity and below the commercial quantity as per N.D.P.S. Act, hence, Section 37 of the N.D.P.S. Act is not applicable. Further, there is no compliance of Sections 42 and 50 of the N.D.P.S. Act. The co-accused person has already been granted bail by this Court vide order dated 30.01.2024 passed in Cr. Misc. No. 3819 of 2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, claim based on parity as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner 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 Court



below/concerned Court in connection with Pandaul P.S. case
No. 235 of 2023, G.R. No. 80 of 2023.

(Rudra Prakash Mishra, J)

Alok Verma/-

U		T	
---	--	---	--

