

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11719 of 2024

Arising Out of PS. Case No.-803 Year-2023 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

Sanjay Kumar @ Sanjay Banjara S/o Nandu Yadav R/o Vill - Jurabganj, P.S. -
Korha, Dist. - Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sarvesh Kashyap, Adv.
For the Opposite Party/s : Mr.Md. Aslam Ansari, APP

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

ORAL ORDER

3 03-04-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Sadar
P.S. Case No. 803 of 2023 instituted for the offences under
Sections 401, 411, 413, 414, 467, 468 of the Indian Penal Code
and Section 8(c) and 21(b) of the N.D.P.S. Act.

3. As per prosecution case, 7 gram smack like
substance, 12 mobile phones, three keys of the motorcycle and
other articles were recovered in this case.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.
He further submits that nothing incriminating has been



recovered from the conscious possession of the petitioner. The petitioner has no concern with the seized contraband. The quantity of Ganja recovered is less than 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 Section 42 and 50 of the N.D.P.S. Act. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present bail application. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner is languishing in judicial custody since 19.08.2023. Charge-sheet has been submitted in this case.

5. Learned counsel for the petitioner further submits that the co-accused Akub Singh @ Yakub Singh and Nagendra Kumar have been granted bail by this Court vide orders dated 18.03.2024 and 19.03.2024 passed in Cr. Misc. Nos. 19634 of 2024 and 20345 of 2024 respectively.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent coupled with



the fact that the claim for bail based on parity, let the petitioner, abovenamed, 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 Sadar P.S. Case No. 803 of 2023.

(Rudra Prakash Mishra, J)

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