

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14671 of 2024

Arising Out of PS. Case No.-116 Year-2022 Thana- BELA District- Sitamarhi

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Avinash Das, S/O Gagandev Das, R/o Village- Bishanpur (Kamaldah), P.S.-
Bathnaha, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ritesh Singh, Advocate

For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 14-03-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Bela P.S. Case no. 116 of 2022 registered under sections 402, 399, 414 and 34 of the Indian Penal Code, section 25(1-B)(a) and 35 of the Arms Act and sections 8, 20(b)(ii)(c) and 22 of the NDPS Act.

3. As per the prosecution case, the informant states that on having received an information about the accused persons having gathered and planning to give effect to an occurrence, a raid was conducted. While four accused were caught, others managed to escape. Incriminating articles including a country made pistol and a live cartridge and *charas* etc was recovered from the possession of the persons caught and the persons caught disclosed the name of the accused who managed to escape and which included the petitioner herein.



4. Learned counsel for the petitioner submits that neither the petitioner was arrested at the spot nor any incriminating article was recovered from his possession. The only material against him is the statement of the co-accused made before police. The cause of false implication is his antecedents. He is in custody since 2.5.2023 and investigation in the case has concluded.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR, the petitioner not having been arrested at the spot, no incriminating article having been recovered from his possession and his being in custody for 10 months since 2.5.2023, the petitioner is directed to be enlarged on bail in connection with Bela P.S. Case no.116 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-II, NDPS Judge, Sitamarhi.

(Partha Sarthy, J)

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