

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16870 of 2024

Arising Out of PS. Case No.-281 Year-2022 Thana- SINGHESHWAR District- Madhepura

Sanjeev Yadav Son of Bhupendra Yadav Resident of Village- Ramnagar, Tola-
Tulapatti, Ward No.-11, P.S.- Pipra, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Dr Sanjay Kumar Singh, Advocate
For the State : Mr. Nirmal Kumar Sinha, APP

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

ORAL ORDER

2 13-03-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Singheshwar P.S. Case No. 281 of 2022 instituted for the
offence under Sections 399 & 402 of the Indian Penal Code and
Sections 25(1-B)a, 26 & 35 of the Arms Act and Sections 20(b)
(ii)(b) of the NDPS Act.

3. Prosecution case in short is that on secret
information police party raided the place of occurrence
whereafter on seeing the police party five accused persons
started to flee away but one of them, namely, Amit Kumar Ram
was apprehended by the police and other accused persons
managed to flee away. On search, 1200 grams ganja, one loaded



country made pistol, one country made pistol containing four live cartridges, one Bindoulia containing 16 live cartridges, two misfired cartridges on his waist and one mobile phone were recovered from the possession of apprehended accused, namely, Amit Kumar Ram.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 23-12-2023. Petitioner bears one criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Name of the petitioner has been disclosed by the apprehended accused, namely, Amit Kumar Ram. Petitioner was not apprehended on the spot. Petitioner has no concern with the alleged recovery. Seizure list is not prepared in accordance with law. The recovered contraband is below 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 Sections 42 and 50 of the N.D.P.S. Act. It is lastly submitted that nothing has been recovered from the possession of the petitioner. Other co-accused has been granted bail by a Co-ordinate Bench of this Court, *vide* order dated 24-07-2023, passed in Cr. Misc. No.



43627 of 2023.

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

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, recovered quantity is below commercial quantity and claim based on parity, this Court is inclined to grant bail to the petitioner.

8. 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 Singheshwar P.S. Case No. 281 of 2022.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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