

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20338 of 2024

Arising Out of PS. Case No.-457 Year-2023 Thana- JAYNAGAR District- Madhubani

Lal Babu Singh son of Late Ramsarup singh Resident of Village- Batonaha,
P.S. Jay Nagar, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

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

ORAL ORDER

2 19-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Jaynagar P.S. Case No. 457 of 2023 corresponding to G.R. No. 82 of 2023, instituted for the offences punishable under Section 414 of the Indian Penal Code, Sections 8, 20(b)(ii)(b) of the N.D.P.S. Act, Sections 25(1-b)(a) and 26 of the Arms Act.

3. The prosecution case, in short, is that, one country made pistol and 175 grams of brown sugar was recovered from the courtyard of the petitioner. A digital weighing machine and a motorcycle was also recovered from the house of the petitioner for which the petitioner did not give any satisfactory reply nor



produced any relevant documents related to the said motorcycle.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. No incriminating article has been recovered from the conscious possession of the petitioner. Charge-sheet has been submitted in the present case. The petitioner is languishing in judicial custody since 10.11.2023 and has got no criminal antecedent. It is further submitted that the alleged recovery is less than the prescribed limit of commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in this case. There is no compliance of Section 42 and 50 of the N.D.P.S. Act.

5. Learned APP 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 and taking into account 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, **after framing of charge, if not already framed** on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned



Court in connection with Jaynagar P.S. Case No. 457 of 2023
corresponding to G.R. No. 82 of 2023.

(Rudra Prakash Mishra, J)

Rajorshi/-
Alok/-

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

