

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21937 of 2024**

Arising Out of PS. Case No.-1 Year-2024 Thana- MOHIUDDIN NAGAR District-
Samastipur

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Gunjan Kumar Son Of Ramsagar Mahto R/O Vill -Damdama, P.S.-
Vidyapatinagar, Distt.-Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :
For the Petitioner : Mr. Mahendra Pratap, Advocate
For the State : Mr. Shantanu Kumar, APP

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

ORAL ORDER

2 01-04-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Mohiuddin Nagar P.S. Case No. 01 of 2024 instituted for the
offence under Sections 399, 401, 402 of the Indian Penal Code
and Sections 25(1-B)a, 26 & 35 of the Arms Act and Sections 8,
20B(ii)(A) of the Narcotic Drugs & Psychotropic Substances
(NDPS) Act.

3. As per the prosecution case, there is recovery of
one loaded country made pistol, one live cartridge and mobile
phone from the possession of the petitioner. It is also alleged
that there is recovery of two kilograms of ganja from the
possession of co-ccused, Subodh Kumar.



4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 01-01-2024. Petitioner is stated to be man of clean antecedent.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. No incriminating article has been recovered from the conscious possession of the petitioner. There is no compliance of Section 100 of the Cr.P.C. So far as recovery of ganja is concerned it comes within the commercial quantity. Hence, Section 37 of the NDPS is not applicable. There is no compliance of Section 42 and 50 of the NDPS Act.

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, clean antecedent of the petitioner and recovery below commercial quantity, 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 Mohiuddin Nagar P.S. Case No. 01 of 2024, subject to the following



conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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