

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20320 of 2024

Arising Out of PS. Case No.-803 Year-2023 Thana- DHANARUA District- Patna

=====

Amar Kumar S/o Late Devendra Sharma @ Davindra Sharma R/o Village-
Neema, P.S.-Dhanarua, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rahul Rathour, Advocate

For the Opposite Party/s : Mr. Satya Nand Shukla, 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 Dhanarua P.S. Case No.
803 of 2023, instituted for the offences punishable under
Sections 399, 402 of the Indian Penal Code and Sections 25(1-
B)(a), 26, 27, 35 of the Arms Act, Section 8(c) and 21(a) of the
N.D.P.S. Act.

3. The prosecution case, in short, is that, 1.850 grams
of brown sugar and one live cartridge were recovered from the
possession of the petitioner and altogether 10.69 grams of
brown sugar along with other incriminating articles were
recovered from the possession of all the accused persons.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case on the basis of suspicion. It is further submitted that



due to previous altercation, the petitioner has falsely been arrested in this case. There is no FSL report that the alleged recovered contraband is brown sugar and the alleged recovery from the petitioner is below small quantity. Hence, Section 37 of the NDPS Act is not applicable in this case. There is no compliance of Section 42 and 50 of the NDPS Act. The petitioner is languishing in judicial custody since 25.12.2023 and has got two criminal antecedents.

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 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 Dhanarua P.S. Case No. 803 of 2023.

(Rudra Prakash Mishra, J)

Rajorshi/-
Alok/-

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

