

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26508 of 2024

Arising Out of PS. Case No.-36 Year-2022 Thana- RAMGARHWA District- East Champaran

Bipin Mahto @ Bipin Kumar Son Of Ambika Mahto @ Ambika Kushwaha
Resident Of Village - Dhanhar Dihuli, P.S. - Ramgarhwa, District - East
Champaran

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhurendra Kumar, Adv.
For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 27-06-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with N.D.P.S. Case No. 11 of 2022 arising out of Ramagarhwa P.S. Case No.36 of 2022 dated 01.02.2022 registered for the offences punishable u/ss 399, 414, 401 and 402 of the Indian Penal Code and sections 25(1-B)a, 26 and 35 of the Arms Act and Sections 20(b)(ii)(c), 22, 23 of the N.D.P.S. Act.

3. As per the prosecution case, one black colored Honda Shine motorcycle, one loaded pistol and two live cartridges 7.65 mm were recovered from the possession of the



petitioner and one bundle of *charas* weighing about 936 grams was recovered from inner pocket of his jacket.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Learned counsel for the petitioner placed reliance on the judgment in the case of *Sher Singh Vs. State of Haryana in Cr. Misc. No. 33383 of 2001 (2001 SCC Online P&H 1350)* and *Sanjay Vs. State of Punjab and Haryana*. He has further submitted that the seized contraband is not commercial quantity.

The co-accused person has already been granted bail by the Coordinate Bench vide order dated 22.05.2023 passed in Cr. Misc. No. 19813 of 2023. The petitioner has three criminal antecedents as stated in para 3 of the bail petition. The petitioner is in custody since 10.01.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Champaran at Motihari in connection with N.D.P.S.



Case No. 11 of 2022 arising out of Ramgarhwa P.S. Case No. 36
of 2022

7. The application stands allowed.

(Chandra Prakash Singh, J)

annpurna/-

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

