

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40627 of 2024

Arising Out of PS. Case No.-14 Year-2024 Thana- SARAI District- Vaishali

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Ankit Pathak @ Ankit Kumar Pathak, S/o Bipin Pathak @ Bipin Kumar Pathak, Resident of Village Rampur Baghel, P.S. Desari (Sahdai O.P.), District- Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Pranav Kumar Jha, Advocate

For the Opposite Party/s : Ms. Suman Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 10-06-2024 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection with Sarai P.S. Case No.14 of 2024 registered for the offences punishable under Sections 25(1-B)a, 26 and 35 of the Arms Act as well as Sections 8, 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act.

3. The accused/petitioner is named in the FIR and is in custody since 25.02.2024.

4. Allegation against the petitioner is to have in possession of illegal arms and total of 1.250 kg. of *charas* along with other co-accused persons.

5. It is submitted by learned counsel that from



seizure list, it is apparent that no firearms and contraband were recovered from this petitioner rather same appears to be recovered from other apprehended co-accused persons. It is submitted that the petitioner was named with present case for the reason that he was involved in six more criminal cases of similar nature, where he is on bail in five cases and out of said suspicion arises out of criminal antecedents, he named with present case also without having any connecting evidence. It is further submitted that total of 1.250 kg of *charas* was recovered from two other co-accused persons also, where nothing can be gathered from the face of FIR or out of investigation, which may invite culpable mental state of petitioner *qua* possession of contraband in view of Section 35 of the Narcotic Drugs and Psychotropic Substances Act. While concluding argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer for grant of bail to the petitioner.



7. In view of above-mentioned facts and circumstances as no firearms and contraband appears to be recovered from possession of this petitioner as per seizure list, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 25.02.2024, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Vaishali at Hazipur in connection with Sarai P.S. Case No.14 of 2024, subject to the conditions as laid down under Section 437(3) of the CrPC

(Chandra Shekhar Jha, J.)

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