

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42236 of 2024

Arising Out of PS. Case No.-329 Year-2023 Thana- CHERIYA BARIYARPUR District-
Begusarai

Manjesh Paswan son of Late Manoj Paswan Village- Siuri Ps- Cheria
Bariyarpur Manjhaul OP Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr Satyendra Kumar Shrivastava, Advocate
For the Opposite Party/s : Mr. Murli Dhar, APP

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

ORAL ORDER

2 24-06-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Cheria
Bariyarpur (Manjhaul) PS Case No. 329 of 2023, instituted for
the offences under Sections 8 & 20(b) (ii) (B) of the NDPS Act
and Section 25(1-B)a, 26 & 35 of the Arms Act.

3. Prosecution case in short is that there is recovery of
1260 grams of ganja, one country made pistol and two live
cartridges from the co-accused persons.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. Charge-sheet been submitted in this case. No
incriminating material has been recovered from the conscious



possession of the petitioner. So far as contraband is concerned, the recovered contraband is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. The petitioner is in custody since 07-11-2023 and has got seven criminal antecedents. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. Other co-accused has been granted bail by this Court vide order dated 19-03-2024, passed in Cr. Misc. No. 20343 of 2024.

5. Learned A.P.P. 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, charge sheet being submitted, claim based on parity and 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/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Cheria Bariyarpur (Manjhaul) PS Case No. 329 of 2023.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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