

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64031 of 2024

Arising Out of PS. Case No.-104 Year-2024 Thana- GAUTAMBUDHNAGAR District-
Siwan

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Ritesh Singh S/o- Chandrama Singh Village- Bhikhpur Bhagwanpur, Police
Station- M.H. Nagar, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary
For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 11-09-2024 Heard the parties.

2. The petitioner seeks bail in connection with

G.B. Nagar P.S. Case No. 104 of 2024 registered for the

offence under Sections 399, 402, 413, 414 of the I.P.C.

and Section 25(1-b)a, 26, 35 of Arms Act and Sections

8, 20, 21(b), 22 of the NDPS Act.

3. The petitioner is named in the F.I.R. and is

in custody since 12.03.2024.

4. The allegation against the petitioner is to

preparing for committing decoity and also found in

possession of stolen property and narcotics drugs/ smack



total of 9.20 grams.

5. Learned counsel appearing on behalf of the petitioner submitted that on the basis of recovery as it was made from this petitioner, it cannot be said that the case prima-facie made out for preparation of dacoity. It is submitted that the narcotics drug which is alleged to be recovered from this petitioner was less than commercial quantity and it was also recovered without compliance of mandatory provisions of personal search as available under Section 50 of the NDPS Act. It is also submitted that as recovery is less than commercial quantity therefore rigorous provisions of Section 37 of NDPS Act not appears applicable in present case. While concluding the argument, it is submitted that petitioner found involved in three more criminal case where he is in on bail and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.



6. Learned APP opposes the prayer of bail.

7. In view of aforesaid facts and submission and by also taking nature of accusation in totality where recovery of contraband/smack is less than commercial quantity, coupled with fact that charge-sheet has already been submitted where petitioner is in custody since 12.03.2024, accordingly petitioner above named, is directed to be released on bail in connection with G.B. Nagar P.S. Case No. 104 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Siwan/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C/ Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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