

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77709 of 2023

Arising Out of PS. Case No.-152 Year-2023 Thana- BARGAINIA District- Sitamarhi

Nishant Kumar @ Mani Kumar S/O Late Shambhu Prasad Village-
Musachak, Ward No. 4, Ps. Baiganiya, Dist. Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar

For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 03-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 399, 402, 414 of the Indian Penal Code, Sections 8/20(b) (ii) (c) of the NDPS Act and Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. As per FIR, police apprehended the petitioner along with other co-accused persons while they are assembled to prepare for commission of offence. It is further alleged that after search, mobile phones, two Indian currency of Rs. 500/- a car and loaded magazines have been recovered from them. From the possession of one co-accused, namely, Dhiraj Kumar, a country made pistol with live cartridges and 1.610 kgs of charas were recovered.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. From perusal of the seizure list, nothing incriminating articles have been recovered from his conscious possession except his own mobile phone. Charas like narcotics substance has also not been recovered from him rather it has been made from co-accused Dhiraj Kumar. Moreover, the petitioner is languishing in judicial custody since 22.06.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail **after framing of charge if the charge is not framed** in connection with Bairgania P.S. Case No. 152 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge NDPS Act, Sitamarhi.

(Sunil Kumar Panwar, J)

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