

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3583 of 2024

Arising Out of PS. Case No.-108 Year-2022 Thana- BARURAJ District- Muzaffarpur

Rahul Singh @ Tiwary Son of Shyama Singh R/o vill - Laxminiya, P.S. -
Baruraj, Dist. - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr. Rabindra Kumar, APP

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

ORAL ORDER

2 29-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in N.D.P.S. Case No. 131 of 2022, arising out of Baruraj P.S. Case No. 108 of 2022, instituted for the offences punishable under Sections 399, 402, 414 of the Indian Penal Code, Sections 25(1-B)a, 26, 35 of the Arms Act and Section 20(b)(ii)(B) of the NDPS Act.

3. On secret information, police party reached the poultry farm of one Satyanarayan Bhagat where four miscreants were apprehended including this petitioner and on search 2.550 kg of Ganja and a pistol containing two live cartridges were recovered from the possession of the petitioner.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case merely on suspicion. Seizure list is not in accordance with law. 2.550 kg of Ganja has been seized in the present case. The recovered quantity is more than small quantity but way below the commercial quantity. Hence, Section 37 of the NDPS Act is not applicable in the present case. The petitioner is having six criminal antecedents as has been stated in paragraph no. 3 of the present bail application. The petitioner has been remanded in the present case from Baruraj P.S. Case No. 140 of 2021 on 05.06.2022 and since then he is in judicial custody. There is no compliance of Sections 42 and 50 of the NDPS Act. Other co-accused have been granted bail by Coordinate Bench of this Court vide order dated 26.07.2023 passed in Cr. Misc. No. 35829 of 2023 and vide order dated 24.03.2023 passed in Cr. Misc. No. 58479 of 2022.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the entire facts and circumstances of the case, taking into account the period of custody undergone by the petitioner and claim based on parity, 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with N.D.P.S. Case No. 131 of 2022, arising out of Baruraj P.S. Case No. 108 of 2022, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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