

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39194 of 2019

Arising Out of PS. Case No.-46 Year-2019 Thana- ISHAKCHAK District- Bhagalpur

NISHANT CHOUDHARY (Male), aged about 25 years, S/o Vinod Choudhary @ Vinod Kumar Choudhary, R/o village- Bharat Khand, P.S.- Parbatta, District- Khagaria.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Praveen Kumar, Advocate.
For the Opposite Party : Mr.Dr. Ajeet Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 27-06-2019 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is languishing in custody since 20.03.2019 in a case for the offence registered under Sections 20 and 21 of the N.D.P.S. Act.

The prosecution story, in brief, is that on secret information, the informant reached at the house of Chandrashekhar Jha and apprehended Nishant Chaudhary (petitioner), Rohit Kumar, Mithilesh Ranjan and Pranav Rai @ Putush Kumar and from possession of Nishant Chaudhary (petitioner), 46 Grams of Opium recovered.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent.



Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. 46 Grams of Opium is said to have been recovered from possession of the petitioner. The said recovered Opium is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Sections 42 and 50 of N.D.P.S. Act.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, 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 the learned Sessions Judge, Bhagalpur, in connection with Ishakchak P.S. Case No. 46 of 2019 (N.D.P.S. Case No. 3/2019).

(Sudhir Singh, J)

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