

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44546 of 2019

Arising Out of PS. Case No.-13 Year-2019 Thana- THAWE District- Gopalganj

ABHISHEK @ BHARAT PASI @ ABHISHEK PASI Son of Mohan Pasi
Resident of Village - Sahrai, P.S. - Guthani, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhramveer

For the Opposite Party/s : Mr.Prem Kumar Jha

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 27-09-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case instituted for the offences under Sections 45(i)(xii), 46(viii) of Prisoner Act and 20 and 22 of the N.D.P.S. Act.

The prosecution case in short is that 0.75 grams opium has been recovered in this case.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 19.3.2019. There is no allegation of tampering of witnesses alleged against the petitioner. Charge-sheet has been submitted in the present case. The petitioner has been made accused due to mistake of fact. 75 gram opium is alleged to have been recovered. The same 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 the N.D.P.S. Act.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, it is directed that 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 learned Additional Sessions Judge-1st, Gopalganj in connection with Thawe P.S. Case No. 13 of 2019 (Tr. No. 1/2019).

(Sudhir Singh, J)

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