

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47066 of 2019

Arising Out of PS. Case No.-91 Year-2018 Thana- PIPRA District- East Champaran

KABIR KUMAR @ KABIR YADAV Son of Bachu Yadav Resident of
Village - Naya Tola Jorabganj, P.S.- Kodha, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Thakur, Mr. Nilesh Kumar
For the Opposite Party/s : Mr.Kalyan Shankar

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 30-07-2019 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 20, 22, 23, 24, 27 and 29 of the N.D.P.S. Act.

The prosecution case in short is that 500 gram charas has been recovered in this case.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 3.6.2019. 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. 500 grams charas is alleged to have been recovered from the co-accused. The name of the petitioner has transpired on the basis of disclosure made



by co-accused. The alleged charas 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 Sessions Judge- cum- Special Judge, East Champaran at Motihari in connection with N.D.P.S. Case No. 72 of 2018 arising out of Pipra P.S. Case No. 91/18.

(Sudhir Singh, J)

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