

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.14471 of 2020**

Arising Out of PS. Case No.-15 Year-2019 Thana- THAWE District- Gopalganj

Sandeep Gupta, Gender-Male, Son of Late Utim Gupta @ Utim Sah, Resident of Village - Barhan Gopal, P.S.- Siwan Muffasil, Dsitric- Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner : Mr.Javed Aslam, Advocate.

For the Opposite Party : Mr.Mithlesh Kumar Khare, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      02-03-2020                      Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks bail in a case for the offence registered under Sections 188 of the I.P.C., 45(i)(xii), 46(viii) of the Prisons Act, 20 and 22 of N.D.P.S. Act.

The prosecution story, in brief, is that on 29.01.2019 at about 6.30 P.M. during the search of Sub Jail, Gopalganj, the informant recovered one Mobile, 04 Pudiya of Ganja, 02 pieces of Chilam from co-accused Pankaj Kumar, 02 Pudiya of Ganja and 01 piece of Chilam from Sandeep Gupta (petitioner) and 02 pieces of Ganja, 01 piece of Chilam from co-accused Abhishek Kumar Singh.

It has been submitted by learned counsel for the petitioner that the petitioner is languishing in custody since



19.03.2019. The petitioner has falsely been implicated in the present case. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. 02 Pudiya of Ganja and 01 piece of Chilam is said to have been recovered from possession of the petitioner during search of jail. The same is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is no 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, 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 Ist Additional Sessions Judge-cum-Special Judge, N.D.P.S., Gopalganj, in connection with Trial No. 02 of 2019, arising out of Thawe P.S. Case No. 15 of 2019.

**(Sudhir Singh, J)**

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