

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37108 of 2020

Arising Out of PS. Case No.-249 Year-2020 Thana- DIGHA District- Patna

Manish Kumar S/o Kamdeo Paswan r/o gate no. 88, Makhdumpur, P.s.-
Digha, Distt.- patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amresh Kumar Sinha

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

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 02-02-2021 Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the Office within a period
of four weeks.

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 268, 269, 270 of the Indian Penal Code
and 20 and 22 of the N.D.P.S. Act.

The prosecution case in short is that 44 grams of
brown sugar has been recovered in this case.

It has been submitted on behalf of the petitioner that
the petitioner is in custody since 6.5.2020 and has got no
criminal antecedent. 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. 44 grams brown sugar 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 -XVI, Patna in connection with Special Case No. 66/2020 arising out of Digha P.S. Case No. 249/2020.

(Sudhir Singh, J)

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