

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3604 of 2022**

Arising Out of PS. Case No.-683 Year-2021 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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NUNU THAKUR @ GANESH THAKUR S/o Late Bhutta Mistri R/o Vill.-
Jheel Nagar, Ward No.-14, P.S.-Town (Sikandarpur O.P.), District-
Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 26-05-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 8(C), 21(B) and 22 of the
Narcotic Drugs and Psychotropic Substances Act, 1985.

Learned counsel for the petitioner submits that the
petitioner is in custody since 09.09.2021, charge-sheet has been
submitted and is a person with clean antecedent.

Allegation is of recovery of 5.280 grams of smack
like substance from the petitioner in 13 sachets and 6.939 grams
of smack from Bajrangi Thakur in 17 sachets along with mobile.



Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case and nothing was recovered from the possession of the petitioner. Learned counsel further submits that even presuming what has been alleged is true without admitting for the purposes of bail, the alleged recovery is a little more than small quantity and the alleged contraband was weighed along with the sachets in which the contraband was found and, as such, if the weight of the sachet is deducted then perhaps the quantity of the alleged contraband would be less than small quantity. Learned counsel next submits that even presuming what has been alleged in the FIR is true then it is the first offence of the petitioner.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody since 09.09.2021, charge-sheet has been submitted, is a person with clean antecedent and taking into consideration the submissions made by the learned counsel for the petitioner, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty-five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in



connection with NDPS Case No. 126 of 2021 arising out of
Town P.S. Case No. 683 of 2021, subject to the condition that
one of the bailors shall the wife (Sangita Devi) of the petitioner.

The petitioner shall be released after framing of the
charge.

(Satyavrat Verma, J)

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