

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60885 of 2021**

Arising Out of PS. Case No.-266 Year-2021 Thana- KRITYANAND NAGAR District-
Purnia

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GAUTAM KUMAR S/o DWARIKA PRASAD YADAV @ DWARIKA
YADAV R/o VILLAGE-RIKABGANJ, P.S-K.NAGAR, DISTRICT-
PURNIA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kumar Praveen

For the Opposite Party/s : Mr.Parmanand Kumar

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 31-03-2022 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Special Case No. 42 of 2021/CIS No. 42 of 2021 (NDPS Act) arising out of K.Nagar (Srinagar) P.S. Case No. 266/2021, registered for the offence punishable under Sections 275, 276 of the Indian Penal Code, Section 30(a) of the Bihar Prohibition and Excise Act and Section 21(b)(c) of the NDPS Act.

The allegation is regarding recovery of 99 bottles of 100 ml. Codeine phosphate & Chlorpheniramine Maleate Syrup from the



motorcycle of the petitioner.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 21.6.2021. The learned counsel for the petitioner has further submitted that as far as the narcotic content is concerned, the same is meagre, hence, there is no impediment in grant of bail to the petitioner.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that the petitioner is having a clean antecedent and he is languishing in custody since about nine months, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner



is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge NDPS Act, Purnea in connection with Special Case No. 42 of 2021/CIS No. 42 of 2021 (NDPS Act) arising out of K.Nagar (Srinagar) P.S. Case No. 266 of 2021.

(Mohit Kumar Shah, J)

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