

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69114 of 2021**

Arising Out of PS. Case No.-435 Year-2021 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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HIMANSHU KUMAR S/o Sanjay Kumar Singh @ Sanjay Kumar Resident
of Village - Chintamanipur, P.S. - Vaishali, District - Vaishali, At present Near
Prabhat Tara Hospital, P.S. - Sadar, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Chandra Shekhar Anand, Adv.

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

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

2 06-05-2022 Heard.

The petitioner seeks regular bail in connection with
N.D.P.S. Case No. 79 of 2021 arising out of Muzaffarpur Sadar
P.S. Case No. 435 of 2021, registered for the offence punishable
under sections 8(c)/ 21(b) of the N.D.P.S. Act, 1985 and
section 28 of the Arms Act.

The police party is stated to have arrived at the house
of the co-accused persons and upon search, one air pistol, 45
pieces of cartridge and 33.640 grams of smack like substance
was recovered. It is also alleged that the petitioner was also
apprehended from the spot and he confessed that he was
employed by one Lalit Singh for delivering and selling narcotic
drugs.



The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 28.06.2021. The learned counsel for the petitioner has further submitted that neither the smack like substance has been recovered from the conscious possession of the petitioner nor from his house and he has been falsely implicated in the present case by the police. It is also submitted that if at all the allegation regarding the quantity of smack like substance is considered of any worth then also the said quantity is much less than the commercial quantity of smack i.e. 250 grams defined in the schedule notified under the provisions of the NDPS Act, 1985, 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 parties and taking into account the materials available on record as also considering the fact that the smack like substance has neither been recovered from the conscious possession of the petitioner nor from his house, apart from the fact that he is having a clean



antecedent and is languishing in custody since about ten months,
I deem it fit and proper to admit the petitioner to the privilege of
regular bail.

Accordingly, the petitioner, above named, is directed
to be released on bail on furnishing bail-bonds of Rs. 10,000/-
with two sureties of the like amount each to the satisfaction of
the learned court of 4th Additional Sessions Judge, Muzaffarpur
in connection with N.D.P.S. Case No. 79 of 2021 arising out of
Muzaffarpur Sadar P.S. Case No. 435 of 2021.

(Mohit Kumar Shah, J)

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