

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10085 of 2023

Arising Out of PS. Case No.-194 Year-2022 Thana- TATARPUR District- Bhagalpur

ABINASH KUMAR S/O Vikash Kapri Village- Lakri Kola, P.S- Banka,
District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Bipin Kumar
For the Opposite Party : Mr. Rita Verma

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 03-05-2023 Heard learned counsel for the petitioner and
learned APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 20, 22 of the N.D.P.S. Act, 1985.

As per prosecution case, it is alleged that the petitioner along with other co-accused were caught selling brown sugar (smack) at Rikabganj field and from their possession some mobile phones, weight machine and motorcycles were recovered. It is further alleged that 25 grams of brown sugar and other articles were also recovered



from the petitioner.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. The petitioner has no concern with the alleged recovery and recovered smack like substance weighing about 25 grams does not come under the purview of commercial quantity. He has got no criminal antecedent. Similarly situated co-accused has already granted bail by this Court vide order dated 11.04.2023 in Criminal Miscellaneous No. 4374 of 2023. It is further submitted that the petitioner is languishing in judicial custody since 17.08.2022.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Tatarpur P.S. Case No. 194 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like



amount each to the satisfaction of learned Sessions Judge,
Bhagalpur.

(Sunil Kumar Panwar, J)

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