

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.12686 of 2023**

Arising Out of PS. Case No.-43 Year-2020 Thana- BIDUPUR District- Vaishali

Shiv Balak Singh @ Shivalak Singh Son Of Late Jaimangal Singh Resident  
Of Village- Daudnagar, P.S.- Bidupur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Hemant Kumar

For the Opposite Party/s : Mr.Pronoti Singh

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR  
ORAL ORDER**

5      07-08-2023                      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, 21, 22  
and 23 of the N.D.P.S. Act.

Prosecution case relates to recovery of 29 kg and 150  
grams of ganja like intoxicating substance from joint possession  
of the petitioner along with his brothers which is said to *bathan*  
from where the recovery has been made.

Learned counsel for the petitioner submits that the  
petitioner is innocent and has committed no offence. He has  
falsely been implicated in this case. It is further submitted that  
neither the petitioner was apprehended on spot nor he was



residing in that place. It is also submitted that during investigation, I.O. recorded statement of the independent witness who said that from where the recovery has been made, is joint possession of the petitioner along with his brothers and these facts came from the para-116 and 117 of the case diary. Further, the charge sheet has been submitted without FSL in respect of recovered ganja like intoxicating substance because the charge sheet has been submitted on 30.11.2022 whereas the FSL report has received on 31.01.2023 in which Ganja Tetrahydrocannabinol (T.H.C.) has been detected. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he has suo motu surrendered on 22.09.2022 since then he is languishing in judicial custody.

Learned APP appearing for the state has opposed the prayer of regular bail and submitted that the incriminating ganja like substance was recovered from the *bathan* of the petitioner.

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 Bidupur P.S. Case No. 43 of



2020 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I, Vaishali at Hajipur.

**(Sunil Kumar Panwar, J)**

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