

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14113 of 2023

Arising Out of PS. Case No.-683 Year-2022 Thana- NAUBATPUR District- Patna

RAJ KUMAR TIWARI S/O NAND KISHORE TIWARI @ NAND KISHOR
TIWARI Resident of Village- Dumariya, P.S.- Tarari, District- Bhojpur (Ara).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamlesh Kumar Sharma
For the Opposite Party/s : Mr.Pawan Kumar Chaurasia

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

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

The petitioner has prayed for regular bail in a case
instituted for the offence under Sections 8(c), 21(b)(c) of the
N.D.P.S. Act.

As per prosecution case, on secret information
received that two persons was carrying smack for sell in a
Tempo, thereafter police party started checking the vehicle and
on search there has been recovery of total 12.9 gm *Smack* from
the petitioner's pocket as well as another co-accused also.

It is submitted by learned counsel for the petitioner
that petitioner has been falsely implicated in this case. He has
committed no offence. He submitted that the petitioner has no
concern with the seized *smack*. He submitted that seized *smack*



like substance does not come within the purview of commercial quantity as per N.D.P.S. Act. He further submitted that petitioner has got no criminal antecedent as stated in para-3 of the bail petition. He is languishing in judicial custody since 13.10.2022.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-XVIII, Patna in connection with Naubatpur P.S. Case No. 683 of 2022.

(Sunil Kumar Panwar, J)

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