

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16128 of 2023

Arising Out of PS. Case No.-738 Year-2022 Thana- GOPALGANJ TOWN District-
Gopalganj

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Vishal Kumar Son Of Oshihar Bhagat R/O Village- Karariya, Ward No.4, P.S.
And District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhramveer

For the Opposite Party/s : Mr.Syed Mojibur Rahman

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 26-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 8/20(b)(ii)(B) of the N.D.P.S. Act.

As per prosecution case, the petitioner was apprehended on the spot along with other co-accused persons and from the possession of this petitioner 278 grams of Charas like substance (including weight of polythin) was recovered.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and has committed no offence. He has falsely been implicated in the present case. It is further submitted that recovered quantity of Charas does not come within the purview of commercial quantity. Both the seizure list



witnesses are the member of police party which is complete violation of section 100 of Cr.P.C. Similarly situated co-accused namely Bholu Singh @ Bholu Kumar Singh has already been granted bail by a co-ordinate Bench of this Court vide order dated 22.06.2023 passed in Cr. Misc. No. 32133 of 2023. Moreover, the petitioner is languishing in judicial custody since 12.09.2022.

Learned APP appearing for the State has vehemently opposed the prayer for Bail.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Gopalganj Town P.S. Case No. 738 of 2022 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned District & Sessions Judge, Gopalganj.

(Sunil Kumar Panwar, J)

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