

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22399 of 2023

Arising Out of PS. Case No.-43 Year-2023 Thana- MOUZAHDIPUR District- Bhagalpur

DEEPAK KUMAR SAH, Male, aged about 36 yrs, S/O NARESH PRASAD SAH the Resident of Village- Aligunj, Thakurbari, P.S.- Mojahidpur (Babbargunj), District- Bhagalpur. Petitioner/s

Versus

THE STATE OF BIHAR Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Swapnil Kumar Singh, Advocate

For the Opposite Party/s : Mr.Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 22-05-2023 1. Heard learned counsel for the petitioner and the learned APP for the State.

2. Petitioner seeks regular bail in connection with NDPS Case No.14 of 2023 arising out of Mojahidpur (Babbargunj) P.S. Case No. 43 of 2023 dated 29.01.2023 registered for the offence(s) punishable under Section(s) 21(b), 22(b) and 25 of the N.D.P.S. Act.

3. The main submissions advanced by the learned counsel for the petitioner are that as per allegation, only 6.35 grams of narcotic material suspected to be *brown sugar* was recovered from the conscious possession of this petitioner and the said quantity is slightly more than the small quantity of the alleged contraband and petitioner has been languishing in jail since 30.01.2023 having fair and clean antecedent and while making search and seizure of the alleged contraband, the



provisions of Section 50 of N.D.P.S. Act were not followed by the police party and while weighing the alleged contraband, the packets, in which the same was kept, was also taken into consideration by the police party and against the petitioner, the investigation has been completed.

4. Learned APP appearing for the State opposes the bail prayer.

5. Considering the above submissions and mainly petitioner's fair and clean antecedent, his custody period and the completion of investigation against him and also the quantity of the alleged contraband which is stated to have been recovered from his possession, in my opinion, it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail in connection with NDPS Case No.14 of 2023 arising out of Mojahidpur (Babbargunj) P.S. Case No. 43 of 2023 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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