

Arising Out of PS. Case No.-1022 Year-2022 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

... .. Petitioner/s

THE STATE OF BIHAR

... .. Opposite Party/s

For the Petitioner/s : Mr. Anuj Kumar, Advocate
For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

2 24-05-2023 1. Heard learned counsel for the petitioner and learned APP for the State.

2. Petitioner seeks regular bail in connection with NDPS Case No.08 of 2023 arising out of Muzaffarpur Town P.S. Case No.1022 of 2022 dated 17.11.2022 registered for the offence(s) punishable under Section(s) 8(c), 21(b) and 22 of the N.D.P.S. Act.

3. The main submissions advanced by the learned counsel for the petitioner are that the petitioner has fair and clean antecedent and as per the allegation, 23.336 grams of narcotic material suspected to be Smack kept in 55 small packets was recovered but while weighing the said alleged contraband the weight of the packets was also taken into



account by the police and the alleged contraband is less than commercial quantity. Further submissions are that the compliance of the mandatory provisions of N.D.P.S. Act was not made by the police while searching and seizing the alleged contraband and the petitioner has been languishing in jail since 18.11.2022 and co-accused Pramod Kumar Gupta from whose possession 39.037 grams of same alleged contraband was recovered, has been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No.26633 of 2023 and against petitioner the investigation has been completed.

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

5. Considering the above submissions and mainly the petitioner's fair and clean antecedent and completion of investigation against him and the privilege of bail to similarly situated co-accused person having been granted by a co-ordinate Bench of this Court as mentioned above and also taking into account the quantity of the alleged contraband which is stated to have been recovered from the possession of this petitioner, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released **on bail after framing of charge, if the same has not been**



framed in connection with NDPS Case No.08 of 2023 arising out of Muzaffarpur Town P.S. Case No.1022 of 2022 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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