

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33596 of 2023

Arising Out of PS. Case No.-276 Year-2022 Thana- KATIHAR GRP CASE District- Katihar

Pintu Kumar Gupta Son Of Late Mahendra Prasad Gupta Resident Of
Village- Gulab Bag, Ward No. 38, Singal Tola, Ps- Sadar, City- Purnea Distt-
Purnea

... .. Petitioner/s

Versus

1. THE UNION OF INDIA, THROUGH THE DIRECTOR N.D.P.S. GOVT.
OF INDIA BIHAR
2. The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimal Kumar
For the Opposite Party/s : Mr.K.N. Singh(A.S.G.)

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 26-06-2023 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 328, 511, 414 of the Indian Penal Code, section 8(C), 22(a) of the N.D.P.S. Act and Section 137 & 147 of the Indian Railway Act.

As per FIR, prosecution case relates to recovery of two *gillete* blade, 49 tablets of ATIVAN prohibited medicine which is used as Narcotic drug from the possession of this petitioner. The petitioner was arrested on spot while he was trying to flee away after seeing the police party. It is also alleged that the petitioner used to give the medicine to co-passengers



and when the passenger got unconscious, he used to loot them.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. The petitioner has no concern with the alleged recovery of narcotic substance which was seized by the police. It is further submitted vide para 15 of the petition that section 22(a) of the N.D.P.S. shows that it shall be punishable where the contravention involves small quantity with rigorous imprisonment of terms which may be extend to 6 months or with fine which may extend to Rs. 10 thousand or both rather the petitioner is languishing in judicial custody since 5.9.2022.

Learned APP appearing for the state has opposed the prayer of regular bail.

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 Rail Katihar P.S. Case No. 276 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Addl. District Judge-IV-cum-Special



Judge, N.D.P.S., Act, Katihar.

(Sunil Kumar Panwar, J)

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