

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36451 of 2023

Arising Out of PS. Case No.-207 Year-2023 Thana- MOTIHARI TOWN District- East
Champaran

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Sanjay Prasad Son of Late Shambhu Prasad Resident of village - Baniyapatti,
P.S. - Motihari Town, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar
For the Opposite Party/s : Mr.Harendra Prasad

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 11-10-2023 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 8, 20(b)
(ii)B, 25 of the N.D.P.S. Act.

According to F.I.R., on the basis of secret information
police reached at the godown of co-accused Akash Kumar@
Golu and raided the godown and on search total 1.700 Kg of
ganja was recovered.

Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He has
falsely been implicated in this case on the basis of suspicion.
Neither the petitioner is named in the F.I.R. nor any



incriminating article has been recovered from his conscious possession. Save and except suspicion and confessional statement of petitioner, no consistent evidence or material has come to show his complicity in this case. He has no concern with the alleged recovery and the alleged recovery of 1.700 Kg of ganja does not come within the purview of commercial quantity as per N.D.P.S. Act. It is further submitted that the petitioner is languishing in judicial custody since 06.03.2023.

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 period of 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 Motihari Town P.S. Case No. 207 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge/ Special Judge, Motihari, East Champaran.

(Sunil Kumar Panwar, J)

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