

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.39361 of 2023**

Arising Out of PS. Case No.-8 Year-2023 Thana- CUSTOM (GOVERNMENT OFFICIAL)  
District- Muzaffarpur

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Mahendra Choudhary @ Mahindra Choudhary Son Of Jagdish Choudhary  
Resident Of Mohalla Choudhary Compound Rambagh Road, Ps- Mithanpura,  
District- Muzaffarpur

... .. Petitioner/s

Versus

Union of India through Custom (Prev.) Division, Muzaffarpur Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mrs. Vaishnavi Singh  
For the UOI(Custom) : Mr. Anshuman Singh

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**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

5      03-10-2023                      Heard learned counsel for the petitioner and learned  
counsel on behalf of the UOI(Custom).

2. The petitioner has prayed for regular bail in a case  
registered for the offence punishable under sections 8(C) , 20,  
25 and 29 of the NDPS Act.

3. Prosecution case relates to recovery of 11.610 of  
ganja like narcotics substance beneath the seat of the driver of  
the bus and this petitioner is said to be passenger of the said  
vehicle.

4. Learned counsel for the petitioner submits that the  
petitioner is innocent and has committed no offence. He has  
falsely been implicated in this case merely on suspicion. The  
recovered ganja like narcotics substance does not come under



the purview of commercial quantity as per NDPS Act. Nothing incriminating article has been recovered from the conscious possession of the petitioner. A statement has been made in para- 3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 14.02.2023.

5. Learned Counsel appearing for the UOI(Custom) has opposed the prayer of regular bail.

6. 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 **after framing of charge if the charge is not framed,** in connection with Custom P.S. Case No. 08 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 Additional Sessions Judge-I-cum-Special Judge NDPS Act, Muzaffarpur.

(Sunil Kumar Panwar, J)

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