

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39750 of 2023

Arising Out of PS. Case No.-475 Year-2022 Thana- PATNA RAIL P.S. District- Patna

Rahul Patel Son Of Jogindar Patel @ Yogendra Patel Resident Of Village
Sherpur Kalan, Ps- Bhanwarkol, District- Ghazipur (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Gupta

For the Opposite Party/s : Mr. Tarun Prasad Mandal

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 07-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 8, 20(b) (ii)B of the N.D.P.S. Act.

3. As per FIR, prosecution case relates to recovery of total 5.2 kg of ganja like contraband substance from possession of the petitioner who was apprehended on spot while trying to escape after seeing the police.

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. The petitioner has no concern with the alleged recovery of ganja like contraband substance and the same is alleged to be 5.2 kg which does no



come under purview of commercial quantity as per N.D.P.S. Act. It is further submitted the provision of N.D.P.S. Act has not been followed by the prosecution. The petitioner has got no criminal antecedent as stated in para-3 of the bail petition. It is further submitted that the petitioner is languishing in judicial custody since 18.8.2022.

5. Learned APP appearing for the state 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 in connection with Patna Rail Junction P.S. Case No. 475 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 Additional Sessions Judge 4th Patna.

(Sunil Kumar Panwar, J)

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