

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41163 of 2023

Arising Out of PS. Case No.-419 Year-2023 Thana- KHAJANCHI HAT District- Purnia

Sunil Mahaldar Son Of Vishwanath Mahaldar Resident Of Village- Brajesh
Nagar, Ps- K. Hat. District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 14-07-2023 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(c), 21(b) of the N.D.P.S. Act.

As per FIR, prosecution case relates to recovery of 31 *puria* containing total 4.25 grams Brown sugar, cash of Rs. 56,300/- and one mobile phone from possession of the petitioner who was apprehended on spot. Accordingly, the present FIR has been lodged.

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 Brown sugar like narcotic



substance and the same is alleged to be 4.25 grams 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. Moreover, the petitioner is languishing in judicial custody since 4.4.2023.

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 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 K. Hat P.S. Case No. 419 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-cum-Special Judge, N.D.P.S. Act, Purnea.

(Sunil Kumar Panwar, J)

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