

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41167 of 2023

Arising Out of PS. Case No.-160 Year-2023 Thana- NATHNAGAR District- Bhagalpur

Raja Kumar Choudhari Son Of Mahesh Choudhary Resident Of Village- Pasi
Tola, Ps- Lalmatiya (Nathnagar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh

For the Opposite Party/s : Mr.Dr. Indiwari Kumari

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 21, 22 of the N.D.P.S. Act.

According to the FIR, prosecution case relates to recovery of total 68.45 grams of smack (heroin) like substance from house of the petitioner.

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 smack like narcotic substance and the same is alleged to be 68.45 gm which does not come under purview of commercial quantity as per N.D.P.S.



Act. It is further submitted the mandatory 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 petitioner. It is further submitted that the petitioner is languishing in judicial custody since 28.2.2023.

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 Nathnagar (Lalmatiya) P.S. Case No. 160 of 2023 arising out of N.D.P.S. Case No. 29 of the 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, Bhagalpur.

(Sunil Kumar Panwar, J)

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