

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42723 of 2023

Arising Out of PS. Case No.-13 Year-2023 Thana- KORHA District- Katihar

RAJ KAMAL MEHTA Son of Kamlesh Kumar Mehta Resident of village -
Basgarha, P.S.- Korha, Distt.- Katihar, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar
For the Opposite Party/s : Mr.Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 20-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case
instituted for the offence under Sections 20 and 22 of the
N.D.P.S. Act.

3. As per prosecution case, there has been recovery of
286 gram Smack like substance from one black coloured Creta
Car bearing Registration no. BR-11AV-9127.

4. It is submitted by learned counsel for the petitioner
that petitioner has been falsely implicated in this case. He has
committed no offence. Petitioner has apprehended on spot. He
submitted that the petitioner has no concern with the seized
Smack and has not recovered from the conscious possession of
the petitioner. The provision of Section 50 of the N.D.P.S. Act



has not been followed in this case. He further submitted that the other co-accused namely, Pankaj Kumar has already been granted bail by a Co-ordinate Bench vide order dated 20.07.2023 passed in Cr. Misc. No. 34033 of 2023. He is languishing in judicial custody since 05.12.2021.

5. The application for bail is opposed by learned APP for the State and submitted that seized smack like substance come within the purview of commercial quantity as per N.D.P.S. Act.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this court is inclined to enlarge the petitioner on bail **after framing of charge, if not framed**. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Court below in connection with Korha P.S. Case No. 13 of 2023.

(Sunil Kumar Panwar, J)

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