

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42735 of 2022

Arising Out of PS. Case No.-78 Year-2022 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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PRINCE ANSHU Son of Sanjeet Kumar Resident of Village - Surkhikal
Nand Lal Mishra Lane, P.s.- Kotwali (Barari), Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Diwakar Upadhyaya, Advocate
For the Opposite Party/s : Mr.Uday Chand Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 25-01-2023 Heard the learned counsel for the

petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in connection with N.D.P.S. Case No. 14 of 2022 arising out of Kotwali (Barari) P.S. Case No. 78 of 2022 for the offence registered under Sections 20 and 21(b) of the N.D.P.S. Act.

The allegation is regarding recovery of 5.45 mg of Brown Sugar (smack) from the possession of the petitioner, when he was apprehended by the police and search was made.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has



been falsely implicated in the present case and he is languishing in custody since 27.01.2022. The learned counsel for the petitioner has further submitted that the petitioner is an accused in one another case but he is on bail in the said case. It is also submitted that the quantity of Brown Sugar (smack), recovered from the possession of the petitioner is much less than the minor quantity defined in the Schedule notified under the provisions of the NDPS Act, 1985, hence, there is no impediment in granting bail to the petitioner herein.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that the quantity of Brown Sugar (smack), recovered from the possession of the petitioner is much less than the minor quantity defined in the



Schedule notified under the provisions of the NDPS Act, 1985, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the petitioner, above named, is directed to be released on bail 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 in connection with N.D.P.S. Case No. 14 of 2022 arising out of Kotwali (Barari) P.S. Case No.78 of 2022.

(Mohit Kumar Shah, J)

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