

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43399 of 2023

Arising Out of PS. Case No.-301 Year-2023 Thana- AHYAPUR District- Muzaffarpur

Sonu Kumar Son of Umashankar Ray, Resident of Village- Mirjapur, P.S.-
Ahiyapur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raju Kumar, Advocate
For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 24-07-2023 1. Heard learned counsel for the petitioner and the learned APP for the State.
2. Petitioner seeks regular bail in connection with Ahiyapur P.S. Case No. 301 of 2023 dated 12.03.2023 registered for the offences punishable under Section 414 of the Indian Penal Code and Sections 8(b) and 21(c) of the N.D.P.S. Act.
3. The main submissions advanced by the learned counsel for the petitioner are that though as per the allegation, smack like material weighing 7.4 gm. is stated to have been recovered from the possession of this petitioner but the said recovery has been falsely shown from the possession of this



petitioner and moreover the alleged recovered contraband comes in the purview of intermediate quantity and the same is slightly more than the small quantity. Further submissions are that against the petitioner there is criminal antecedent of one case which was lodged under the offences of the Indian Penal Code in which the petitioner is on bail and in the present matter he has been languishing in jail since 13.03.2023 and against him the investigation has been completed and the compliance of the mandatory provisions of N.D.P.S. Act was not made by the police while searching and seizing the alleged contraband.

4. Learned APP appearing for the State opposes the bail prayer.

5. Having regard to the facts and circumstances of this case and considering the above submissions and mainly taking into account the quantity of the alleged contraband which is suspected to be smack and as per the averment made in the paragraph no. 12 of the petition F.S.L. report has not been obtained by the police till date and alleged contraband is only suspected to be a narcotic material, in my opinion, it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail in connection with Ahiyapur P.S. Case No. 301 of 2023 on furnishing bail bond of Rs. 10,000/- (Ten



Thousand) with two sureties of the like amount each to the
satisfaction of the Court concerned.

(Shailendra Singh, J)

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