

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44970 of 2023

Arising Out of PS. Case No.-262 Year-2023 Thana- SAHPUR District- Patna

Tarkeshwer Kumar Son Of Sri Anup Ray R/V Mubarakpur Agricultural Farm,
Ps- Sahpur, Distt- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha

For the Opposite Party/s : Mr.Gauri Shankar Gupta

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 28-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under section 414 of the Indian Penal Code and sections 20/22 of the N.D.P.S. Act.

3. As per FIR, prosecution case relates to recovery of total 10.72 gram brown sugar (smack) contained in 5 sachet from the possession of the petitioner who alleged to have arrested on spot with one motorcycle.

4. 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' (smack) like narcotic substance and the same is alleged to be 10.72 gm which



does not come under purview of commercial quantity as per N.D.P.S. Act. It is also submitted vide para 11 of the petition that police has not verified the ownership of the seized vehicle. It is further submitted the provision of N.D.P.S. Act has not been followed by the prosecution. The petitioner has got no criminal antecedent and languishing in judicial custody since 10.4.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. 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 Sahpur P.S. Case No. 262 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 Additional Sessions Judge-XII, Patna.

(Sunil Kumar Panwar, J)

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