

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46006 of 2023

Arising Out of PS. Case No.-225 Year-2023 Thana- BARACHATTI District- Gaya

MANOJ PRASAD SON OF NAGESHWAR MAHTO RESIDENT OF
VILLAGE- BARADIH, PS- BARACHATTY, DIST- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2

For the Opposite Party/s : Mr.Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 04-08-2023 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 18, 20 and 22 of the
N.D.P.S Act.

3. As per prosecution case, on secret information
received that a man is carrying Opium on his motorcycle
Barachatty thereafter, police party started checking the vehicle
and on search there has been recovery of 1.300 Kg *Opium* from
the petitioner.

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



Opium. He submitted that seized *Opium* like substance does not come within the purview of commercial quantity as per N.D.P.S. Act. The provision of Section 50 of the N.D.P.S. Act has not followed in this case. He further submitted that petitioner has got no criminal antecedent as stated in para-3 of the bail petition. He is languishing in judicial custody since 01.03.2023.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, 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 Barachatti P.S. Case No. 225 of 2023.

(Sunil Kumar Panwar, J)

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