

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48106 of 2023

Arising Out of PS. Case No.-155 Year-2023 Thana- DINARA District- Rohtas

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Harendra Kumar @ Sipahi Yadav S/O Birendra Singh @ Birendra Singh
Yadav R/O Village- Barwan Kala, Ps. Adhaura, Dist. Kaimur. At Present
Resident Of Village + P.O. + P.S. Bhabua, Dist. Kaimur (BHABUA)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Pathak

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 21-09-2023 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner has prayed for regular bail in a case
registered for the offence punishable under Sections 20(B)(ii)(c), 22,
25, 27(A) and 29 of the N.D.P.S. Act.

According to F.I.R., on 13.04.2023 during course of
vehicle checking, a motorcycle having two persons along with a bag
was caught by the police and said persons have disclosed their names
as petitioner and co-accused Dharmendra Kumar. On search of said
bag, total 8.6kg ganja like substance was recovered.

Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He has falsely
been implicated in this case by the police. He has no concern with the
alleged recovery of ganja. The alleged recovery of ganja like



substance does not come within the purview of commercial quantity as per N.D.P.S. Act. The provision of N.D.P.S. Act has not been followed in this case. It is further submitted that the petitioner has got no criminal antecedent and he is languishing in judicial custody since 14.04.2023.

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

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody of the petitioner, this court is inclined to enlarge the petitioner on bail **after framing of charge, if charge is not framed**. The above named petitioner is directed to be released on bail in connection with Dinara P.S. Case No. 155 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 Sessions Judge-cum-Special Judge (N.D.P.S.), Rohtas at Sasaram.

(Sunil Kumar Panwar, J)

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