

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46770 of 2022**

Arising Out of PS. Case No.-170 Year-2022 Thana- CHAND District- Kaimur (Bhabua)

DEEPAK KUMAR SON OF PAPPU BIND R/O VILLAGE- DOBHARI,
P.S.- CHAINPUR, DISTRICT- KAIMUR AT BHABUA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan

For the Opposite Party/s : Mr. Pramod Kumar Pandey

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

3 02-02-2023 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Chand P.S. Case No. 170 of 2022, registered for the offence punishable under Sections 414 of the Indian Penal Code and Sections 8(C), 21(a), 22(b) of the NDPS Act.

The allegation is regarding the police having apprehended the petitioner and upon search, 4.50 grams of heroine like substance was recovered.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is



having a clean antecedent and he is languishing in custody since 21.6.2022. The learned counsel for the petitioner has further submitted that the quantity of heroine, recovered from the petitioner, is less than the minor quantity defined in the schedule notified under the provisions of the NDPS Act, 1985, hence, there is no impediment in grant of bail to the petitioner.

Per contra, the learned APP 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 heroine, recovered from the petitioner, is much less than the minor quantity defined in the schedule notified under the provisions of the NDPS Act, 1985, apart from the fact that the petitioner is having a clean antecedent and is languishing in custody since more than six months, I deem it fit and



proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Session Judge cum Special, Kaimur at Bhabua in connection with Chand P.S. Case No. 170 of 2022.

(Mohit Kumar Shah, J)

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