

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48114 of 2023

Arising Out of PS. Case No.-218 Year-2023 Thana- AHIYAPUR District- Muzaffarpur

MD CHAND S/O MD. ZABBAR R/O VILLAGE- MIRJAPUR, PS.
AHIYAPUR, DIST. MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pradeep Kumar Sinha

For the Opposite Party/s : Mr.Atul Chandra

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 registered for the offence punishable under sections 356, 379, 411, 279, 338, 427 of the Indian Penal Code and Sections 8(c)/21(b) of the N.D.P.S. Act.

3. As per FIR, prosecution case relates to recovery of 7.2 gram smack like substance from possession of petitioner who is alleged to have apprehended on spot.

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 smack like narcotic substance and the same is alleged to be 7.2 gm which does no



come under purview of commercial quantity as per N.D.P.S. Act. It is further submitted the provision of N.D.P.S. Act has not been followed by the prosecution. He has got no criminal antecedent as stated in para-3 of the bail petition. It is further submitted that the petitioner is languishing in judicial custody since 17.2.2023.

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 Ahiyapur P.S. Case No. 218 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 1st Addl. Sessions Judge, Muzaffarpur.

(Sunil Kumar Panwar, J)

Amandeep/-

U		T	
---	--	---	--

