

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51249 of 2023

Arising Out of PS. Case No.-207 Year-2023 Thana- JAKKANPUR District- Patna

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KANHAIYA KUMAR SON OF DINESH JHA RESIDENT OF MOHALLA-
NEAR SHIV MANDIR, SABJI MANDI, CHIRARIYATAR PUL, PS-
JAKKANPUR, DIST- PATNA, PERMANENT ADDRESS- RESIDENT OF
VILLAGE- MAKRAMPUR, PS- BAHERA, DIST- DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Nand Kumar

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 11-12-2023 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 8(C)/21(b) of the N.D.P.S. Act and sections 25(1-b)a, 26, 35 of the Arms Act.

3. The petitioner is said to have been apprehended by police from whose possession, one motorcycle, one loaded country made sixer and 31.5 gram smack like contraband substance was recovered.

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 31.5 gram which does not come under purview of commercial quantity as per N.D.P.S. Act. It is further submitted vide para 10 of the petition that the seized motorcycle belongs to the petitioner which is in the name of her sister. Moreover, the petitioner is languishing in judicial custody since 2.4.2023.

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

6. 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 **after framing of charge, if not framed** in connection with Jakkanpur. P.S. Case No. 207 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-XXVIII, Patna.

(Sunil Kumar Panwar, J)

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