

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51863 of 2023

Arising Out of PS. Case No.-364 Year-2023 Thana- GOPALGANJ TOWN District-
Gopalganj

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GAUTAM RAM Son of Shivpujan Ram @ Shivpujanram Resident of village
- Purani Chowk, ward no. 19, P.S. - Gopalganj, (Town), Distt. - Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Union of India Through The Director, Narcotics Control Bureau BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Setu Prateek
For the Opposite Party/s : Mr.Shyameshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 03-11-2023 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.

3. As per FIR, the petitioner is said to have been
apprehended on spot from whose possession, 11.22 gram smack
like 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 11.22 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 17.5.2023.

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 period of the petitioner, this court is inclined to enlarge him on bail. The above named petitioner is directed to be released on bail **after framing of charge, if not framed** in connection with Gopalganj (Town) P.S. Case No. 364 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 District and sessions Judge, Gopalganj.

(Sunil Kumar Panwar, J)

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