

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51303 of 2023

Arising Out of PS. Case No.-263 Year-2023 Thana- MASHRAK District- Saran

SHAMBHU PRASAD S/O LATE BIGAN PRASAD R/O VILLAGE-
GOPALBARI, P.S- MASHRAKH, DISTT.- SARAN.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Navendu Kumar

For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 05-10-2023 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 8/20(b)(ii) (B)/22/29 of the N.D.P.S. Act.

3. According to the prosecution, the petitioner is said to have been apprehended on spot from whose possession, 12.6 kilogram ganja like narcotic 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 ganja like narcotic substance and the same is alleged to be 12.6 kg which does not come under purview of commercial quantity as per N.D.P.S.



Act. It is further submitted the provision of N.D.PS. Act has not been followed by the prosecution. Nothing has been recovered from conscious possession of the petitioner. Moreover, he is languishing in judicial custody since 24.5.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail and submitted that according to F.S.L. report, contraband substance (Ganja) has been detected.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody period, 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, it not framed**, in connection with Mashrakh P.S. Case No. 263 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, Saran at Chhapra.

Amandeep/-

(Sunil Kumar Panwar, J)

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

