

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51558 of 2022

Arising Out of PS. Case No.-259 Year-2022 Thana- AHYAPUR District- Muzaffarpur

Omprakash Chautala S/o Harendra Sahni, resident of village- Dharopatti,
P.S.- Aurai, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate

For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 21-02-2023 Let the defect(s), if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with NDPS P. S. Case No. 87 of 2022 arising out of Ahiyapur P.S. Case No. 259 of 2022 registered for the offences punishable under Section 401 of the Indian Penal Code & Sections 25(1-b)a/26/35 of the Arms Act & Sections 8(c)/21(b) of the NDPS Act.

As per the prosecution, the police personnel while on patrolling duty apprehended this petitioner and recovered 25 pouches of narcotic material suspected to be ‘smack’ weighing



12 grams in totality.

The main submissions advanced by the learned counsel Mr. Shashank Shekhar for the petitioner are that as per the FIR total 12 grams narcotic material suspected to be 'smack' kept in 25 small pouches is stated to have been recovered from the possession of this petitioner and the said recovered contraband comes in the purview of intermediate quantity and the same is much lesser than commercial quantity and the petitioner has been languishing in jail since 04.04.2022, though against him there are antecedents of four cases but in most of the cases he was made accused mainly on the basis of confessional statement of other accused persons and moreover the mandatory provisions of NDPS Act while making search and seizure was not followed by the concerned police officials.

Learned APP Md. Aatur Rahman appearing for the State has opposed the bail prayer.

In view of the facts, as stated above and and mainly considering the quantity of alleged recovered contraband and also the petitioner's custody period, let the petitioner be released on bail **after framing of charge** on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection



with NDPS P. S. Case No. 87 of 2022 arising out of Ahiyapur
P.S. Case No. 259 of 2022.

(Shailendra Singh, J)

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