

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53587 of 2023

Arising Out of PS. Case No.-418 Year-2023 Thana- SHASTRINAGAR District- Patna

PRABHAT KUMAR PANDEY @ PRABHAT KUMAR @ PRABHAT PANDEY Son of Damodar Pandey R/o Gorauli, P.S.-Darauda, District-Siwan at present R/o Durga Ashram Gali, Tenant of Dipu House, P.S.-Shashtri Nagar, District-Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ghanshyam Tiwary
For the Opposite Party/s : Mr.Arvind Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 25-08-2023 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner has prayed for regular bail in a case instituted for the offence under Sections 8/20 (b)(ii)(B) of the N.D.P.S. Act.

3. As per prosecution case, on secret information received that one person is selling Ganja near J.D. Women College, then the police party reached at that place and apprehended that person, who disclosed his name as petitioner and on search there has been recovery of 1.258 Kg *Ganja* from the bag of the petitioner.

4. It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. He has



committed no offence. He submitted that the petitioner has no concern with the seized Ganja. He submitted that seized Ganja like substance does not come within the purview of commercial quantity as per N.D.P.S. Act. The provision of the Section 50 of the N.D.P.S. Act has not followed in this case. He further submitted that petitioner has got no criminal antecedent as stated in para-3 of the bail petition. He is languishing in judicial custody since 01.05.2023.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Court below in connection with Shastrinagar P.S. Case No. 418 of 2023.

(Sunil Kumar Panwar, J)

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