

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55069 of 2023

Arising Out of PS. Case No.-704 Year-2023 Thana- KHAJANCHI HAT District- Purnia

Sunil Kumar Yadav @ Sunil Kumar S/O Late Dukho Yadav R/O Village-
Usari, Ward No. 06, P.S- Gogri Jamalpur, Distt.- Khagaria. Presently R/O
Mohalla- Shivpuri, Ward No.-23, (Rented House Of Prakash Yadav), P.S- K.-
Hat(Sahayak), Distt.- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar

For the Opposite Party/s : Mr.Renu Kumari

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(c), 21(a)
of the N.D.P.S. Act.

3. According to the FIR, prosecution case relates to
recovery of 151 gram smack (brown sugar) from rented flat of
the petitioner who was apprehended on spot.

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 151 gram 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.P.S. Act has not been followed by the prosecution. Moreover, the petitioner is languishing in judicial custody since 10.6.2023.

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, 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 K. Hat (Sahayak) P.S. Case No. 704 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 Special Judge, N.D.P.S. Act, Purnea.

(Sunil Kumar Panwar, J)

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