

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59029 of 2023

Arising Out of PS. Case No.-698 Year-2022 Thana- BIHTA District- Patna

Mohit Kumar@ Mohit Raj Son Of Sri Kamlesh Upadhyay @ Ramesh
Upadhyay Resident Of Village- Ajma Ps- Naubatpur Distt- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

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

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 14-09-2023 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)/27 of the N.D.P.S. Act.

3. As per FIR, two accused persons are alleged to have apprehended on spot from whose possession, smack like narcotic substance was recovered. Apprehended accused persons disclosed the name of the petitioner.

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 contraband substance and the same was recovered from possession of other co-accused



persons. The name of the petitioner came into light on the basis of disclosure made by apprehended co-accused persons. The petitioner was not apprehended on spot. It is further submitted that the co-accused Atul Kumar & Shubham Kumar have already been granted bail by a co-ordinate Bench of this Court which is evident from Annexure-2. Moreover, the petitioner is languishing in judicial custody since 16.8.2023.

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 of the petitioner, this court is inclined to enlarge him on bail. The above named petitioner is directed to be released on bail in connection with Bihta P.S. Case No. 698 of 2022 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/Spl. Judge NDPS, Patna.

(Sunil Kumar Panwar, J)

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