

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62095 of 2023

Arising Out of PS. Case No.-284 Year-2023 Thana- BAISI District- Purnia

Md. Tohrab Ali @ Tohrab @ Turab Ali @ Tohrab Ali Son Of Md. Wajir @
Md. Bajir Resident Of Village - Dargaha, Ps- Baisi, Dist- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar Singh
For the Opposite Party/s : Mr.Rajendra Nath Jha

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 15-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under Sections 8(c), 21(b) of the N.D.P.S. Act.

According to F.I.R., it is a case of recovery of total 18 gms of the smack like substance from left pocket of paint of the petitioner.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. He has no concern with the alleged recovery. The provision of N.D.P.S. Act has not been followed in this case. The alleged recovery of 18 gms smack like substance does not come within the purview of commercial



quantity as per N.D.P.S. Act. Provision of Section 100 Cr.P.C. has not been followed by the police personnel while preparing the seizure list. It is further submitted that the petitioner is languishing in judicial custody since 05.07.2023.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody of the petitioner, this court is inclined to enlarge the petitioner on bail **after framing of charge**. The above named petitioner is directed to be released on bail in connection with Baisi P.S. Case No. 284 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 Court of Special Judge (N.D.P.S. Act), Purnea.

(Sunil Kumar Panwar, J)

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