

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58696 of 2022

Arising Out of PS. Case No.-391 Year-2022 Thana- AHIYAPUR District- Muzaffarpur

DEEPAK KUMAR S/o Shri Ram Lagan Pandit R/o Village- Patiasha, P.S.-
Ahiyarpur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Prakash Shrarma, Advocate

For the Opposite Party/s : Mr.Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 06-01-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in
connection with Ahiyapur P.S. Case No. 391 of 2022
(NDPS Case No. 124 of 2022) for the offence
registered under Sections 8(c) and 21(a) of the
NDPS Act.

The police force is stated to have
apprehended the petitioner and one another
accused person while they were travelling on their
motorcycle and on search, as far as the petitioner
is concerned, four gram of smack like substance
was recovered.



The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, is having a clean antecedent and he is languishing in custody since 14.05.2022. The learned counsel for the petitioner has further submitted that the quantity of smack recovered from the possession of the petitioner is less than the commercial quantity defined in the Schedule notified under the provisions of the N.D.P.S. Act, 1985, hence there is no impediment in grant of bail to the petitioner herein.

Per contra, the learned counsel for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner, taking into account the materials available on record and considering the period of incarceration as also considering the fact that the quantity of smack recovered from the possession of the petitioner is less than the commercial



quantity defined in the Schedule notified under the provisions of the N.D.P.S. Act, 1985, apart from the fact that the petitioner is having a clean antecedent and he is languishing in custody since 14.05.2022, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-^{1st}, Muzaffarpur in connection with Ahiyapur P.S. Case No. 391 of 2022 (NDPS Case No. 124 of 2022).

(Mohit Kumar Shah, J)

S.Sb/Saurav

U		T	
---	--	---	--

