

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.62717 of 2023**

Arising Out of PS. Case No.-103 Year-2023 Thana- BAHERA District- Darbhanga

Md. Zishan S/O Md. Rizwee R/O Village- Bahera, P.S- Bahera, Distt.- Darbhanga.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Girish Chandra Jha

For the Opposite Party/s : Mr.Harendra Prasad

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

2      22-09-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

The petitioner has prayed for bail in a case registered for the offence punishable under sections 8/20(b)(ii)(A) of NDPS Act.

As per allegation in the FIR, on getting secret information police party proceeded towards place of occurrence, and apprehended the petitioner. On search, 700 gram ganja like substance was recovered from dickey of his motorcycle.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this Case. Provision of Section 100 CR.P.C. has not been followed by the police officials while preparing the seizure list. There is complete



violation of provision of Section 50 of the NDPS Act. The recovered article comes below the commercial quantity. Petitioner is languishing in judicial custody since 4.3.2023.

Learned APP appearing for the State has opposed the prayer of Bail.

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 **after framing of charge**. 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 Session Judge, Darbhanga in connection with PTN (G.O.) NDPS Case No. 138 of 2023.

(Sunil Kumar Panwar, J)

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