

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63868 of 2023**

Arising Out of PS. Case No.-158 Year-2023 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Rupesh Kumar @ Bittu Son Of Ramadhar Kunwar Resident Of Village -
Kaithma, Ward No.19, Police Station - Mufassil, District - Begusarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sarvottam Kumar
For the Opposite Party/s : Mr.Kalyan Shankar

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

2 11-10-2023 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 25(1-b)a/26/35 of Arms Act and Sections 8/20(b)(ii)(B) of the NDPS Act.

3. Prosecution case relates to recovery of one country made pistol along with two live cartridges and 2 kg of ganja like narcotics substance from the possession of this 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 due to highhandedness of the police. The recovery of ganja like substance from the



possession of the petitioner does not come within the purview of commercial quantity as per NDPS Act. Similarly situated other co-accused person has already been granted bail by the co-ordinate Bench of this Court vide Annexure-p2 of this petition. Moreover, the petitioner is languishing in judicial custody since 18.03.2023.

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 the petitioner on bail. The above named petitioner is directed to be released on bail **after framing of charge if the charge is not framed**, in connection with Muffasil P.S. Case No. 158 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 District and Sessions Judge, Begusarai.

(Sunil Kumar Panwar, J)

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