

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62690 of 2023

Arising Out of PS. Case No.-509 Year-2022 Thana- NAUBATPUR District- Patna

SUBHAM KUMAR @ SHUBHAM KUMAR S/o Sunil Kumar @ Baletha
Singh @ Sunil Sharma R/o vill - Faridpur, P.S. - Naubatpur, Distt. - Patna.
... .. Petitioner/s

Versus

THE STATE OF BIHAR Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Adv
For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

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.

2. The petitioner has prayed for bail in a case registered for the offence punishable under sections 385, 387/34 of the Indian Penal Code and sections 8(c), 21(b) (c) of the NDPS Act.

3. Prosecution case relates to recovery of 15.2 gram smack wrapped in 38 sachet kept in match box was recovered from right pocket of accused Rahul Raj, who was arrested on spot and he disclosed the name of the petitioner as one of his associates.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. Provision of Section 100 CR.P.C. has not been followed by the police officials while preparing the seizure list. Police has not complied the mandatory provision of Section 50 of the NDPS Act. Petitioner was not arrested on spot rather his name appeared in confessional statement of Rahul Raj. No specific allegation is attributed against the petitioner. Quantity of recovered article is slightly above the



small quantity but much below the commercial quantity (250 gm). Similarly situated other accused person has already been enlarged on regular bail by order dated 24.1.2023 passed in Cr. Misc. No. 60539 of 2022. He is languishing in judicial custody since 3.8.2023.

5. The application for bail is opposed by learned APP for the State.

6. 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. 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 Sessions Judge, Special Judge (NDPS) Patna or the concerned court in connection with Naubatpur PS Case No. 509 of 2022 Special NDPS Case No. 134 (A)/2022.

(Sunil Kumar Panwar, J)

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