

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64788 of 2022

Arising Out of PS. Case No.-284 Year-2022 Thana- BODHGAYA District- Gaya

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Ankush Kumar @ Anchhu Kumar S/O Late Chaitu Bhokta Resident of village-
Kashdabar, P.S.- Hanterganj, District- Chatra (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Akhilesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Dashrath Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 02-03-2023 Let the defects, if any, pointed out by the office be removed within four weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Bodh Gaya P.S. Case No. 284 of 2022 registered for the offences punishable under Sections 18, 20, 22 of the NDPS Act.

As per the prosecution, the police personnel on secret information apprehended this petitioner and a co-accused and recovered 764 grams of narcotic material suspected to be '*opium*' from this petitioner.

The main submissions advanced by learned counsel for the petitioner are that as per the FIR and seizure memo 764 gm of narcotic material believed to be '*opium*' is stated to have been

recovered from his conscious possession and the said quantity of the contraband falls in intermediate quantity and the same is not commercial quantity and from the possession of one co-accused person namely, Ajay Sao intermediate quantity of the same alleged contraband was also recovered, has been granted bail by a co-ordinate bench of this Court vide order passed in Cr. Misc. No. 46642 of 2022 and petitioner is an innocent person and he was used by other persons in trafficking the alleged contraband and he is twenty-one years old as evident from the seizure memo itself and he has fair and clean antecedent and languishing in jail since 29.05.2022.

Learned APP for the State has opposed the bail prayer.

Considering the aforesaid facts, mainly petitioner's young age, his clean antecedent and also the fact that one co-accused person mentioned above from whose conscious possession intermediate quantity of the same contraband was allegedly recovered is on bail, in my opinion the petitioner deserves to the privilege of bail. Accordingly, let the petitioner named above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in connection with Bodh Gaya P.S. Case No. 284 of 2022.

(Shailendra Singh, J)

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