

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65447 of 2023

Arising Out of PS. Case No.-73 Year-2023 Thana- INDUSTRIAL AREA District- Vaishali

RAHUL KUMAR SON OF SHANKAR SAH @ SHYAM BABU SAW
RESIDENT OF DIWAN MOHALLA PATO KI BAG, PS KHAJEKALAN,
DISTRICT PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Pradhan

For the Opposite Party/s : Mr.Satya Nand Shukla

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 13-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case
instituted for the offence under Sections 399, 402 and 414 of the
IPC, Sections 25(1-b)a, 26 and 35 of the Arms Act and Sections
20 and 22 of the N.D.P.S. Act.

3. As per prosecution case, there has been recovery of
3 Kg *Ganja* from the bag of the petitioner and the other
incriminating articles from other co-accused persons also.

4. It is submitted by learned counsel for the petitioner
that petitioner has been falsely implicated in this case. He has
committed no offence. He submitted that the petitioner has no
concern with the seized *Ganja* and other incriminating articles.



He submitted that seized Ganja like substance does not come within the purview of commercial quantity as per N.D.P.S. Act. The provision of Section 100 of the Cr.P.C. and Section 50 of the N.D.P.S. Act has not been followed in this case. He is languishing in judicial custody since 09.06.2023.

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 as well as period of custody, this court is inclined to enlarge the petitioner on bail **after framing of charge, if not framed.** 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 Court concerned in connection with Industrial Area P.S. Case No. 73 of 2023.

(Sunil Kumar Panwar, J)

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