

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64922 of 2022**

Arising Out of PS. Case No.-98 Year-2022 Thana- KORANSARAI District- Buxar

Sanam Kumar @ Mithilesh Son Of Lal Bihari Prasad R/O Village-
Noniyapura, P.S.- Krishnabrahm, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhijeet Gautam

For the Opposite Party/s : Mr.Ajit Kumar

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

2 24-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case
registered for the offence punishable under sections 20, 21, 22
of the N.D.P.S. Act.

Prosecution case relates to recovery of 5.67 grams
narcotic substance such like 'heroin' from the possession of the
petitioner.

Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He has
falsely been implicated in this case. The petitioner has no
concern with alleged recovery and the provision of Section 100
of Cr.P.C. has not been followed by the investigation officer.
Learned counsel further submits that the alleged recovery is not
be sure that it was heroin or heroin like substance which is



clarified by FSL report, but the charge-sheet has been submitted in the absence of FSL report. It is further submits that the small quantity of 'heroin' starts from 5 gram and the commercial quantity of 'heroin' starts from 250 grams whereas, the recovered narcotic substance from the petitioner was alleged to be 5.67 grams which does not come under purview of commercial quantity as per the N.D.P.S. Act. Moreover, petitioner is languishing in judicial custody since 17.8.2022.

Learned APP appearing for the state has opposed the prayer of regular 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. The above named petitioner is directed to be released on bail in connection with Kodansarai P.S. Case No. 98 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Court, N.D.P.S. Act, Buxar.

(Sunil Kumar Panwar, J)

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