

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 64763 of 2023

Arising Out of PS. Case No.-231 Year-2023 Thana- MITHANPURA District- Muzaffarpur

Abhishek Kumar @ Abhishekh Kumar S/O Umesh Paswan R/O Mohalla-
Sadpura Dhanukar Tola, Ward No. 33, P.S- Kazi Mohammadpur, Distt.-
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raju Kumar

For the Opposite Party/s : Mr.Arvind Kumar Pandey(App84)

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.

The petitioner has prayed for regular bail in a case registered for the offence punishable under section 414 of the Indian Penal Code and Sections 8(c)/21(b) of the N.D.P.S. Act.

The prosecution story is that the petitioner and co-accused persons were apprehended on the spot. On search, total 6 grams smack like narcotic substance was recovered and from co-accused persons narcotic substance 8 grams and 10 grams respectively were also recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in the present case due to high



handedness of the police officials. The petitioner has no concern with the alleged recovery of smack and the same was lesser than commercial quantity as per N.D.P.S. Act. A statement has been made in para-3 of the petition that the petitioner has got no criminal antecedent. It is further submitted that no complaint of theft of motorcycle has been lodged against the petitioner, hence Section 414 is not attracted against the petitioner. Moreover, the petitioner is languishing in judicial custody since 01.06.2023.

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 Mithanpura P.S. Case No. 231 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 Special Judge-cum-Sessions Judge, Muzaffarpur.

(Sunil Kumar Panwar, J)

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