

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64612 of 2022

Arising Out of PS. Case No.-592 Year-2022 Thana- AHIYAPUR District- Muzaffarpur

VISHAL KUMAR PANDEY Son of Anjani Kumar Pandey R/v- Baikunthpur,
P.S.- Ahiyapur, Distrit- Muzaffarpur, permanent address, village Barharwa
Lakhanen, P.S.- Dhaka, District- East Champaran, State- Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nachiketa Jha

For the Opposite Party/s : Mr.Syed Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 21-02-2023 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 8(C)/21(C)
of the N.D.P.S. Act.

Prosecution case relates to recovery of 50 grams
smack/narcotic substance including paper from the possession
of petitioner as per the seizure list.

Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He has
falsely been implicated in this case. Learned counsel for the
petitioner further submits that the small quantity of smack starts
from 5 gram and the commercial quantity of smack starts from



250 grams, whereas, the recovered smack/narcotic substance was alleged to be 50 grams including paper from the petitioner which does not come under purview of commercial quantity as per the N.D.P.S. Act. It is further submitted that the petitioner has no concern with the alleged recovery of narcotic substance. Moreover, the petitioner is languishing in judicial custody since 7.7.2022.

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 Nd.P.S. Case No. 168 of 2022 arising out of Ahiyapur P.S. Case No. 592 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 Judge, Muzaffapur.

(Sunil Kumar Panwar, J)

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