

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68845 of 2023

Arising Out of PS. Case No.-408 Year-2023 Thana- NARPATGANJ District- Araria

Mukesh Kumar Yadav Son Of Binod Roy Resident Of Village- Bela, Ps-
Narpatganj, Dist- Araria

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha

For the Opposite Party/s : Mr. Rana Randhir Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 04-12-2023 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 21(C), 22 and 23 of the N.D.P.S. Act.

As per FIR, on getting secret information, two accused persons including the petitioner were apprehended on spot and on search Tramol-50, 4490 tablets were recovered from the bag and accordingly seizure list was prepared and FIR was registered.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. Petitioner has no concern with the alleged recovery. It is further submitted that total 4490 capsules containing pheny piperide each capsule of 50 mg. total



about 224.500 mg i.e. 22.45 gms. were seized which has not come within the purview of commercial quantity. Similarly situated other accused person has already been enlarged on bail by another coordinate Bench of this Court vide order dated 28.11.2023 passed in Cr. Misc. No. 70813 of 2023. It is also submitted that the petitioner has got no criminal antecedent and languishing in judicial custody since 21.07.2023.

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 as well as period of custody of the petitioner, this court is inclined to enlarge the petitioner on bail **after framing of charge**. The above named petitioner is directed to be released on bail in connection with Narpatganj (Basmatiya) P.S. Case No.408 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 District and Sessions-cum-Special Judge (N.D.P.S. Act), Araria.

(Sunil Kumar Panwar, J)

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