

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70218 of 2023

Arising Out of PS. Case No.-463 Year-2023 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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Ishtekhar Ahmad @ Md Ishtkhar S/O Anzar Ahmad R/O Village- Majhauriya,
P.S- Kazi Muhammadpur (Wrongly Given In F.I.R As Well As Remanded
With Muzaffarpur Sadar Police Station), Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravi Ranjan

For the Opposite Party/s : Mr.Anish Chandra

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 03-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case
registered for the offence punishable under sections 21(b), 8(c)
of the N.D.P.S. Act.

3. As per prosecution case, there is recovery of 6 gm
smack like contraband substance from possession of the
petitioner.

4. 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 the alleged recovery of smack like narcotic
substance and the same is alleged to be 6 gm which does not



come under purview of commercial quantity as per N.D.P.S. Act. It is further submitted the provision of N.D.P.S. Act has not been followed by the prosecution. It is further submitted that the petitioner is languishing in judicial custody since 16.5.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail **after framing of charge, if not framed**, in connection with N.D.P.S. Case No. 103 of 2023 arising out of Muzaffarpur Sadar P.S. Case No. 463 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 11th Additional District and Sessions Judge-cum-Special Judge, Muzaffarpur.

(Sunil Kumar Panwar, J)

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