

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69306 of 2023

Arising Out of PS. Case No.-173 Year-2023 Thana- KOCHADHAMAN District- Kishanganj

Sah Intezar Alam Son Of Late Md. Ayub Alam Village- Ruhia W.No-6, Ps-
Kochadhaman Dist- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar

For the Opposite Party/s : Mr.Syed Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 02-11-2023 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 414 and 34 of the Indian Penal Code and Sections 8, 8(c), 20(b)II(A), 21(a), 29 and 22 of the NDPS Act.

3. Prosecution case relates to recovery of 9.45 grams of smack like intoxicating substance from the 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 recovered smack does not come within the purview of commercial quantity as per NDPS Act. A statement has been made in para-3 of this petition



that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 20.07.2023.

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 the charge is not framed** in connection with Kochadhaman P.S. Case No. 173 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 Sessions Judge-cum-Spl. Judge (NDPS Act), Kishanganj.

(Sunil Kumar Panwar, J)

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