

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67656 of 2022

Arising Out of PS. Case No.-580 Year-2022 Thana- AHIYAPUR District- Muzaffarpur

ARVIND KUMAR Son of Jagarnath Rai R/v- Bhagwatipur, P.S.- Ahiyapur,
District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 23-03-2023 Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks regular bail in connection with Ahiyapur P.S. Case No. 580 of 2022, registered for the offences punishable under Sections 8(c)/21(b) of NDPS Act.

As per the prosecution, the police personnel while vehicle checking apprehended this petitioner with co-accused persons and from the possession of this petitioner 14 pudiyas of contraband suspected to be Smack was recovered and the said contraband was also recovered from co-accused persons weighing in totality 14 grams.



The main submissions advanced by petitioner's counsel are that as per prosecution four accused persons including the petitioner were apprehended with *Smack* like substance kept in small sachets out of them three co-accused persons have been granted bail by the trial court itself and from the possession of the petitioner 14 sachets containing 7 grams narcotic material suspected to be *Smack* were allegedly recovered and the said contraband is slightly more than the smaller quantity described in the NDPS Act and the petitioner has been languishing in jail since 05.07.2022 and he has been charge-sheeted. Further submission is that though the petitioner has criminal antecedent of one case but he is on bail in the said case.

Learned APP appearing for the State has opposed the prayer for bail.

In view of the facts, as stated above and mainly considering the quantity of the alleged contraband which is said to have been recovered from the possession of this petitioner and also taking into account the fact that against the petitioner the investigation has been completed and three co-accused persons who were apprehended with this petitioner are on bail, in my opinion it is a fit case for bail to the petitioner.



Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Ahiyapur P.S. Case No. 580 of 2022.

(Shailendra Singh, J.)

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