

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69009 of 2022

Arising Out of PS. Case No.-116 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Nawada

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AMARNATH GUPTA S/O RAM KUMAR SAH Resident of village-
Shivpur, P.S.- Barahara, District- Bhojpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Makardhwaj Upadhyay
For the Opposite Party/s : Mr.J.N. Thakur

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 10-05-2023 Heard learned counsel for the petitioner as well as

learned APP for the State.

In this case, the petitioner is seeking regular bail in
connection with P.T.N. No. 1583 of 2022, arising out of Nawada
(Excise) P.S. Case No. 116 of 2022, registered for the offences
punishable under Sections 8 and 20(ii) of N.D.P.S. Act.

As per allegation, the petitioner was travelling by a
bus containing 5 kg of *ganja*.

The learned counsel for the petitioner has submitted
that the petitioner was not given an option to be searched before
a Gazetted Officer or a Magistrate. As such, Section 50 of the
NDPS Act has not been complied. He has submitted further that
the quantity of contraband recovered comes under the limit of



small quantity. He is a person of clean antecedent and is under custody since 03.06.2022.

Considering the above-mentioned facts and circumstances, let the petitioner above-named be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned A.D.J. 1st, Nawada in connection with P.T.N. No. 1583 of 2022, arising out of Nawada (Excise) P.S. Case No. 116 of 2022, subject to the following conditions:-

(i) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(ii) If the petitioner is found involved in future in the similar type of offence, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner and the learned court below will take decision in accordance with law.

(Nawneet Kumar Pandey, J)

Kundan/Nirmal

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