

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72668 of 2023

Arising Out of PS. Case No.-28 Year-2023 Thana- GARDANIBAG District- Patna

JYOTISH KUMAR Son of Suresh Rai Resident of B.K. Dutta Lane, New
Jakkanpur, P.S.- Jakkanpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Rajeev

For the Opposite Party/s : Mr.Madhuri Lata

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 29-11-2023 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 Section 414 of the Indian Penal Code and Sections 8(c)/21(b) of the N.D.P.S. Act.

According to F.I.R., it is a case of recovery of total 250 Pouches (Puuriya) net weight 44 gram of brown sugar and one motorcycle from the possession of petitioner.

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 of brown sugar and recovered quantity of brown sugar does not come within the purview of commercial quantity. The recovered motorcycle is in the name



of petitioner and all documents and papers are in his name. Provision of Section 100 Cr.P.C. has not been followed by the police personnel while preparing the seizure list. It is further submitted that charge has been framed against the petitioner. Moreover, he is languishing in judicial custody since 12.01.2023.

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. The above named petitioner is directed to be released on bail in connection with Gardanibagh P.S. Case No. 28 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 Additional Sessions Judge-XVII-cum-Special Judge, N.D.P.S. Act, Patna.

(Sunil Kumar Panwar, J)

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