

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71884 of 2023

Arising Out of PS. Case No.-279 Year-2023 Thana- BARHARA KOTHI District- Purnia

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RUPESH KUMAR @ LAGGA son of Umesh Mandal @ Umesh Kumar
Mandal Village- Godiyari B.Kothi Ps- Barhara Kothi Dist- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anuj Kumar

For the Opposite Party/s : Mr.Choubey Jawahar

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case
instituted for the offence under Sections 8(c) and 21(b) of the
N.D.P.S. Act.

3. As per prosecution case, there has been recovery of
7.25 Gm *Smack* from the possession of the petitioner.

4. It is submitted by learned counsel for the petitioner
that petitioner has been falsely implicated in this case. He has
committed no offence. He submitted that the petitioner has no
concern with the seized *Smack*. He submitted that seized *Smack*
like substance does not come within the purview of commercial
quantity as per N.D.P.S. Act. The provision of Section 50 of the
N.D.P.S. has not been followed in this case. He is languishing in



judicial custody since 18.07.2023.

5. The application for bail is opposed by learned APP
for the State.

6. Having heard learned counsel for the parties and
considering the facts and circumstances of the case as well as
period of custody, this court is inclined to enlarge the petitioner
on bail **after framing of charge, if not framed**. The above
named petitioner is directed to be enlarged on bail on furnishing
bail bond of Rs. 10,000/- (Rs. ten thousand only) with two
sureties of the like amount each to the satisfaction of the learned
Special Judge, NDPS Act, Purnia in connection with Barhara
Kothi P.S. Case No. 279 of 2023.

(Sunil Kumar Panwar, J)

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