

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73189 of 2023

Arising Out of PS. Case No.-476 Year-2023 Thana- DIGHA District- Patna

VIKASH KUMAR S/O LATE MAHESH RAY R/O KURJI GATE NO. 67,
P.S. DIGHA, DIST.- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Jiban Pd. Singh

For the Opposite Party/s : Mr. Dilip Kumar No. 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 09-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in a case registered
for the offence punishable under sections 8(C), 21, 22 of NDPS
Act.

As per allegation in the FIR, on getting secret
information police party proceeded towards place of occurrence,
and apprehended two accused persons including the petitioner.
On search, 9 sachet of Smack (5.43 grams) were recovered from
petitioner.

Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has committed no
offence. He has been falsely implicated in this Case. No local
person was made as a witness of the seizure list rather seizure



list witnesses are police personnel. There is complete violation of provision of Section 50 of the NDPS Act. There is no FSL report to confirm that the seized article is contraband material. The recovered article comes below the commercial quantity. Petitioner has got no criminal antecedent and languishing in judicial custody since 30.06.2023.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. 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 Additional Sessions Judge XVII, Patna in connection with Digha P.S. Case No. 476 of 2023.

(Sunil Kumar Panwar, J)

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