

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72595 of 2023

Arising Out of PS. Case No.-161 Year-2023 Thana- AMBA District- Aurangabad

BHAWAN KUMAR SONOF MANGAL PRASAD R/O MOHALLA-
VILLAGE MUGALSARAI, P.S.- ALINAGAR, DIST.- CHANDAULI (U.P.)

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh

For the Opposite Party/s : Mr. Anil Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 28-11-2023 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), 20(b)(ii)(B) 25
of NDPS Act.

As per allegation in the FIR, on getting secret information
police party proceeded towards place of occurrence, and
apprehended the petitioner with motorcycle. On search, 1.8
kilogram ganja like substance was recovered from his
motorcycle.

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 10.07.2023.

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 **after framing of charge** 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 Spl. Judge (NDPS) cum-1st Additional Distt. & Sessions Judge, Aurangabad, Bihar in connection with Amba P.S. Case No. 161 of 2023.

(Sunil Kumar Panwar, J)

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