

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.73042 of 2022**

Arising Out of PS. Case No.-581 Year-2022 Thana- PURNEA SADAR District- Purnia

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ROHAN KUMAR Son of Ranjeet Choudhary R/o Village - Rambagh Driver  
Tola, Ward N. 30, P.S.- Sadar, District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Md. Hussain

For the Opposite Party/s : Mr.Ram Sevak Choudhary

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**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

3      21-04-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

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

As per prosecution case, on secret information  
received, there has been recovery of 13.25 gm smack (Brown  
Sugar), which was kept in the petitioner's pocket.

It is submitted by learned counsel for the petitioner  
that petitioner has been falsely implicated in this case. He has  
committed no offence. 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 NDPS Act has also not



been followed. He further submitted that petitioner has got no criminal antecedent as stated in para-3 of the bail petition. He is languishing in judicial custody since 18.08.2022.

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

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 Special Judge, NDPS Act, Purnia in connection with Purnea Sadar P.S. Case No. 581 of 2022.

**(Sunil Kumar Panwar, J)**

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