

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76649 of 2023

Arising Out of PS. Case No.-576 Year-2023 Thana- AHYAPUR District- Muzaffarpur

BITTU KUMAR S/O CHANDRADEO SAH VILLAGE- MURADPUR
DULLAH, PS. AHYAPUR, DIST. MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Bipin Chandra

For the Opposite Party/s : Mr.Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 01-12-2023 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 379 and 411 of the IPC
and Sections 8(c), 21(b) of the N.D.P.S. Act.

3. As per prosecution case, there has been recovery of
cash of Rs. 5,000/- and 6.75 gm of smack like substance 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 like substance. 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 100 of the Cr.P.C. and Section 50 of the N.D.P.S. Act have not been followed in this case. He is languishing in judicial custody since 11.05.2023.

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 Addl. Sessions Judge-cum-Spl. Judge, Muzaffarpur in connection with Ahiyapur P.S. Case No. 576 of 2023.

(Sunil Kumar Panwar, J)

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