

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.75905 of 2023**

Arising Out of PS. Case No.-67 Year-2023 Thana- DANDKHORA District- Katihar

Mintu Kumar S/O Sanjay Singh Village- Lauvalagan, Ps. Chousa, Dist. Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union Of India Through The Director, N.D.P.S., Govt. Of India New Delhi

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate

For the Opposite Parties : Mr. Dr. Ajeet Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA**

ORAL ORDER

2      02-12-2023              Heard learned counsel for the petitioner and learned APP for the State.

2.      The petitioner seeks bail in connection with Dandkhora P.S. Case No. 67 of 2023 instituted for the offence under Sections 20/22 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3.      The prosecution case, in short, is that on 04-07-2023, the informant was on duty and during that course, he apprehended five miscreants including the present petitioner. On search, 7.300 KG 'ganja' was recovered.

4.      It has been submitted on behalf of the petitioner



that the petitioner is in custody since 05-07-2023, and have no criminal antecedents.

5. Learned counsel for the petitioner further submits that petitioner has been falsely implicated in this case. Charge-sheet has been submitted in this case. There is no allegation of tampering of witnesses alleged against the petitioner in the present case. It is alleged that 7.300 KG of 'ganja' is recovered. Same is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. Other similarly situated co-accused has been allowed bail by a Co-ordinate Bench of this Court vide order dated 10-10-2023, passed in Cr. Misc. No. 63548 of 2023.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody and claim based on parity, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Dandkhora P.S.



Case No. 67 of 2023.

**(Rudra Prakash Mishra, J)**

Raj Kishore/-

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