

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78833 of 2023

Arising Out of PS. Case No.-147 Year-2023 Thana- DIGHALBANK District- Kishanganj

MD. AJHAR ALI @ AJHAR S/O HASIBUR RAHMAN @ HABIBUR RAHMAN R/O VILLAGE- KHARVALTOLA (KHARVARTOLA) MAHMARI (MOHAMARI), POST- DHANTOLA, P.S- DIGHALBANK, DISTT.- KISHANGANJ.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar

For the Opposite Party/s : Mr.Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 13-12-2023 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 21(a), 22 of the N.D.P.S. Act.

3. The petitioner is said to have been apprehended by police party from whose possession, 13.67 gram brown sugar like contraband substance was recovered.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. The petitioner has no concern with the alleged recovery of brown sugar like narcotic substance and the same is alleged to be 13.67 gram which does



not come under purview of commercial quantity as per N.D.P.S. Act. It is further submitted the provision of N.D.P.S. Act has not been followed by the prosecution. He has got no criminal antecedent. It is further submitted that the petitioner is languishing in judicial custody since 4.10.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge him on bail. The above named petitioner is directed to be released on bail **after framing of charge, if not framed**, in connection with Dighalbank P.S. Case No. 147 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions-Cum-Special Judge NDPS Act, Kishanganj.

(Sunil Kumar Panwar, J)

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