

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1888 of 2023

Arising Out of PS. Case No.-160 Year-2022 Thana- KHARIK District- Bhagalpur

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Kailash Das Son of Late Mushahru Das R/V- Mirjafri, PS- Kharik, Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Diwakar Upadhyaya, Advocate

For the Opposite Party/s : Mr. Rajeev Nayan, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 24-04-2023 1. Heard learned counsel for the petitioner and the learned APP for the State.
2. Petitioner seeks regular bail in connection with Kharik P.S. Case No. 160 of 2022 dated 26.06.2022 registered for the offences punishable under Sections 20 and 22 of NDPS Act.
3. The main submissions advanced by learned counsel for petitioner are that the petitioner has falsely been implicated in the present case due to village politics, he is a very old man aged about seventy-five years who usually remains ill, no incriminating material has been recovered from his conscious possession and against the petitioner there is criminal antecedent of one case in which he is on bail in the said case. Further submissions are that only 300 grams of alleged contraband, believed to be ‘ganja’ has been recovered from the tea shop belonging to the petitioner, which comes in the purview of small

quantity and the petitioner has been languishing in jail since 26.06.2022.

4. Learned APP for the State has opposed the bail prayer of the petitioner.

5. Considering the facts and circumstances of the case and mainly taking into account the old age of the petitioner and the quantity of alleged recovered contraband which comes in the purview of small quantity, in my view, a lenient approach can be taken in respect of the petitioner’s prayer. Accordingly, let the petitioner named above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in connection with Kharik P.S. Case No. 160 of 2022.

(Shailendra Singh, J)

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