

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78103 of 2023

Arising Out of PS. Case No.-762 Year-2023 Thana- KAHALGAON District- Bhagalpur

HIMANSHU S/O FULCHAND JAISWAL @ PHOOL CHAND VILLAGE-
KISHANDASPUR, PS. BUDHUCHAK, DIST. BHAGALPUR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Upadhyaya

For the Opposite Party/s : Mr.Md. Fahimuddin

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 06-12-2023 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 20, 22 of the N.D.P.S. Act.

3. As per prosecution case, the petitioner is said to have been apprehended from whose possession, 54.7 gram Brown Sugar like substance along with one key pad mobile 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 54.7 gm 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. Moreover, he is languishing in judicial custody since 28.6.2023.

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 the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Kahalgaon P.S. Case No. 762 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 District and Sessions Judge, Bhagalpur or concerned Court.

(Sunil Kumar Panwar, J)

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