

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80345 of 2023

Arising Out of PS. Case No.-394 Year-2023 Thana- HAJIPUR SADAR District- Vaishali

Binod Rai @ Vinod Rai Son Of Indradeo Rai Resident Of Village - Dighi
Kala Purbi, P.S. - Sadar Hajipur, District - Vaishali

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Anita Kumari

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 14-12-2023 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 8(c)/21(b)/22 of the N.D.P.S. Act.

3. According to the prosecution case, the petitioner is said to have been apprehended by police from whose possession, 18 gram smack 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 smack like narcotic substance and the same is alleged to be 18 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, the petitioner is languishing in judicial custody since 31.5.2023.

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 Hajipur Sadar P.S. Case No. 394 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 1st Additional Sessions Judge-Cum-Special Judge, NDPS, Vaishali at Hajipur.

(Sunil Kumar Panwar, J)

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