

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80924 of 2023

Arising Out of PS. Case No.-326 Year-2023 Thana- FALKA District- Katihar

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ABHISHEK KUMAR son of Rajesh Yadav Village- Leelaghat Ps-
Bhawanipur Dist- Purnea

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bhola Prasad, Mr. Indrajeet Kumar

For the Opposite Party/s : Mr.Binod Kumar

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 15-12-2023 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, 20, 22 of
the N.D.P.S. Act.

3. The petitioner along with FIR named accused
persons are said to have been apprehended from whose
possession, 20.5 gram smack like substance as well as two
motorcycles were 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 or with the seized motorcycle. The smack is alleged to



be 20.05 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 and languishing in judicial custody since 9.9.2023.

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 in connection with Falka P.S. Case No. 326 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 Special Judge, Katihar.

(Sunil Kumar Panwar, J)

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