

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82650 of 2023

Arising Out of PS. Case No.-735 Year-2023 Thana- KANTI District- Muzaffarpur

SUNIL PASWAN Son of Moti Paswan R/o vill - Miya Pakri, P.S. - Kanti,
Distt. - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raju Kumar

For the Opposite Party/s : Mr.Mithlesh Kumar Khare

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 20-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case
instituted for the offence under Sections 8(c), 21 (B) of the
N.D.P.S. Act.

3. As per prosecution case, there has been recovery of
5.100 Gm of *Smack* like substance from the possession of the
petitioner.

4. It is submitted by learned counsel for the petitioner
that petitioner has been falsely implicated in this case. He has
committed no offence. He submitted that the petitioner has no
concern with the seized *Smack*. He submitted that seized *Smack*
like substance does not come within the purview of commercial
quantity as per N.D.P.S. Act. The provision of Section 50 of the



N.D.P.S. Act has not been followed in this case. He further submitted that petitioner has got no criminal antecedent as stated in para-3 of the bail petition. He is languishing in judicial custody since 22.09.2023.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this court is inclined to enlarge the petitioner on bail **after framing of charge, if not framed**. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge-cum-Special Judge, Muzaffarpur in connection with Kanti P.S. Case No. 735 of 2023.

(Sunil Kumar Panwar, J)

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