

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5072 of 2024

Arising Out of PS. Case No.-178 Year-2023 Thana- UDAKISHUNGANJ District-
Madhepura

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Dilkush Kumar Yadav @ Dilkush Yadav S/O Janeshwar Yadav @ Dinesh
Yadav R/O Village- Bishwari, Ward No. 03, P.S- Gwalpara, Distt.-
Madhepura.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pawan Kumar

For the Opposite Party/s : Mr.Anand Kishore Choudhary

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 07-02-2024 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(a) of the NDPS Act and Sections 25(1-b)a, 26, 35 of
the Arms Act.

3. As per FIR, the petitioner was apprehended on
the spot, on search one country made pistol and 43 gram
smack like substance was recovered from his possession.



4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has falsely been implicated in this present case merely on the basis suspicion. The petitioner has no concern with the alleged recovery rather he has been made accused in this case due to high handedness of the police officials and recovered 43 gram smack like substance does not comes within the purview of commercial quantity. It is further submitted that Section 100 of the Cr.P.C., Sections 42 and 50 of the NDPS has not been followed while preparing the seizure list. Moreover, the petitioner is languishing in judicial custody since 10.06.2023.

5. Learned APP appearing for the State has vehemently opposed the prayer of Bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as judicial custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Udakishunganj P.S. Case No. 178 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 Additional Sessions Judge-Ist,
Madhepura.

(Sunil Kumar Panwar, J)

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