

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9354 of 2024

Arising Out of PS. Case No.-752 Year-2023 Thana- AHYAPUR District- Muzaffarpur

Sunil Kumar Gupta, SON OF Late Kapildev Sah VILLAGE -Dadar Ward no
10 Police Station -Ahiyapur District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar S.K., Adv.

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 20-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Ahiyapur P.S. Case No. 1752 of 2023, lodged on 25.12.2023
under Sections 8/21(b) of the N.D.P.S. Act.

3. As per the prosecution case, FIR has been lodged
against two named accused persons including the present
petitioner. In the FIR, it has come that total 18 grams of smack
has been recovered from the possession of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
also submits that from the seizure list, it transpires that there is
no independent witness and therefore, there is a gross violation
of section 100. Counsel further submits that the said recovery of
18 grams of smack which is above than the small quantity



which is 5 grams, but, much less than the commercial quantity.

5. Learned counsel for the petitioner submits that the antecedent of the petitioner is clean and he is in custody since 26.12.2023.

6. Upon specific query of the Court from the counsel for petitioner that whether charge has been framed in this case or not, counsel submits that as per his knowledge, charge has not been framed in this case.

7. Learned APP for the State opposes the prayer for bail of the petitioner.

8. In the present facts and circumstances of this case and the submissions made above considering the antecedent of the petitioner, **let the petitioner above named be granted bail, but only six months after framing of charge, if not framed** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge, Muzaffarpur in connection with Ahiyapur P.S. Case No. 1752 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C.

(Dr. Anshuman, J.)

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