

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11132 of 2024

Arising Out of PS. Case No.-188 Year-2023 Thana- KANHAULI District- Sitamarhi

Munish Kumar S/O- Shivji Rai R/O- Village- Parsa, P.S.- Sursand, Dist.- Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha

For the Opposite Party/s : Mr.Syed Mojibur Rahman

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 22-02-2024 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, 20(b)(ii)(B) of the N.D.P.S. Act.

3. As per prosecution case, the petitioner and co-accused Ranjan Kumar were apprehended on the spot with motorcycle and from their possession 1.9 Kg. Granja 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. Petitioner has no concern with the alleged recovery and recovered ganja like substance is much less than the commercial quantity. In fact, while the petitioner was



coming from the house of his sister he was taken lift from the co-accused Ranjan Kumar and started driving the vehicle but he was not aware about articles kept in the bag by the co-accused Ranajn Kumar. Both the seizure list witnesses are police personnel which is complete violation of Section 100 of Cr.P.C. It is further submitted that the provision of N.D.P.S. Act has not been followed properly. Petitioner has got no criminal antecedent and he is languishing in judicial custody since 13.12.2023.

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 period of custody of the petitioner, 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 released on bail in connection with Kanhauli P.S. Case No.188 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, Sitamarhi.

(Sunil Kumar Panwar, J)

lata/-

U		T	
---	--	---	--

