

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16021 of 2024

Arising Out of PS. Case No.-1382 Year-2023 Thana- AHIYAPUR District- Muzaffarpur

Vishal Kumar Son of Amar Kumar @ Amar Kumar Rai Resident of Village-
Sahwajpur, P.S.- Ahiyapur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur

For the Opposite Party/s : Mr.Satyendra Narayan Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 12-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 8/21(b) of the N.D.P.S. Act.

As per FIR, the petitioner and co-accused person were apprehended on the spot and from the possession of this petitioner total 3.9 gram smack like substance and one motorcycle were recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in the present case due to high handedness of the police officials. The petitioner has no concern with the alleged recovery of smack and the same is lesser than



commercial quantity as per N.D.P.S. Act. It is submitted that the recovered motorcycle is registered in the name of the petitioner's father. A statement has been made in para-3 of the petition that the petitioner has got no criminal antecedent. It is further submitted that Sections 42 and 50 of the NDPS have not been followed while preparing the seizure list. Moreover, the petitioner is languishing in judicial custody since 23.10.2023.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, 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 Ahiyapur P.S. Case No. 1382 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 NDPS-II, Muzaffarpur.

(Sunil Kumar Panwar, J)

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