

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16198 of 2024

Arising Out of PS. Case No.-323 Year-2023 Thana- SONBERSA District- Sitamarhi

Laxman Kumar S/o Binod Singh Resident of Village- Jamuniya urf Mayurwa
Ward No. 14 Police Station- Sonbarsa District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Kumar

For the Opposite Party/s : Mr.Shyam Kumar 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 filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 8/20 (b)(ii)(c) of N.D.P.S. Act.

As per the allegation in F.I.R, 20 kilograms of Ganza like narcotics substance and one mobile, have been recovered from a motorcycle which is alleged to be driven by the petitioner.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and he has falsely been implicated in the present case. The petitioner has no concern



with the alleged recovered contraband. Nothing incriminating has been recovered from the conscious possession of the petitioner rather the contraband has been recovered from the plastic bags which is being carried by the person sitting on the back seat of the aforementioned motorcycle. The alleged recovered Ganza like narcotics substance measured as 20 kg including the weight of packaging material, which creates doubt regarding the exact weight of the seized Ganza and if the weight of packaging material be deducted the actual weight of the seized contraband would be lesser than commercial quantity, as per N.D.P.S. Act. There is no independent witness of the alleged seizure. Moreover, the petitioner is languishing in judicial custody since 17.10.2023. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

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

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to



enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail, **after framing of charge, if not framed**, in connection with Sonbarsa P.S. Case No. 323 of 2023 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Sitamarhi.

(Sunil Kumar Panwar, J)

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