

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20052 of 2024

Arising Out of PS. Case No.-542 Year-2023 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Abhishek Kumar, aged about 27 years (Male), S/o Nagendra Ray, Resident of
Village Jitwarpur Bule Chauk, P.S. - Samastipur (Mufassil), Distt. -
Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Anish Kumar, Advocate
For the Opposite Party : Mr. Ram Sevak Choudhary, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 06-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Samastipur (Muffasil) P.S. Case No. 542 of 2023 dated
24.12.2023 registered for the offences punishable under
Sections 8, 20B(ii)A, 21(a) of the N.D.P.S. Act.

3. As per the prosecution case, 1 kg. Ganja, 6.55 gram
brown sugar kept in 30 sachets, mobile and Rs. 19,940/- are
alleged to have recovered from possession of the petitioner.

4. Learned counsel for the petitioner has submitted
that the petitioner is innocent and has falsely been implicated in
this case. It is submitted that no incriminating article is



recovered from conscious possession of the petitioner. The petitioner has no concern with the alleged recovered articles in any manner nor involved in the business of narcotics substances. It is submitted that the seized contraband is less than commercial quantity. It is further submitted that there is no compliance of Section 100 of the Cr.P.C. The petitioner has three criminal antecedents which are not of similar nature of offence as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 25.12.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Samastipur, in connection with Samastipur (M) P.S. Case No. 542 of 2023 with further condition:-

- (i) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable



cause, the bail bonds of the petitioner are
liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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