

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22669 of 2024

Arising Out of PS. Case No.-509 Year-2022 Thana- JAKKANPUR District- Patna

Sagar Kumar, Son of Vijay Prasad @ Vijay Ram, R/o- Dupalwa, Bhagwan
Das Gali, P.S.- Jakkanpur, District-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Smita Kumari, Advocate
		Mr. Arbind Kumar Choudhary, Advocate
For the Opposite Party/s	:	Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 03-05-2024

1. Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for grant of regular bail in connection with Jakkanpur P.S. Case no. 509 of 2022 registered under sections 8(c), 21(c), 25 and 29 of the N.D.P.S Act.

3. As per the prosecution case, 13 *puriyas* ie a total of about 6 grams of smack is said to have been recovered from the possession of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. No incriminating article has been recovered from the petitioner's possession. From perusal of the FIR it would transpire that the allegedly recovered article was weighed along with paper. With respect to smack, the small quantity is considered to be up to 5



grams. Thus, the allegation even as per the FIR would be a recovery of small quantity of the alleged article. The petitioner is in custody since 23.9.2022 and charge has been framed in the case.

5. The application for bail is opposed by learned A.P.P for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR, a FSL report with respect to the petitioner was called for. As per the report received dated 28.1.2023 of the FSL, Patna, the article has been found to be an intoxicating and narcotic substance.

7. In the facts and circumstances of the case, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

8. Liberty is granted to the petitioner to renew his prayer for bail on completing two years in custody.

(Partha Sarthy, J)

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