

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33823 of 2024

Arising Out of PS. Case No.-707 Year-2023 Thana- BUDDHACOLONY District- Patna

Deepak Kumar Son Of Dinesh Mandal @ Dinesh Sao Resident Of Lodipur,
Vidyapati Marg, China Kothi, P.S. - Buddha Colony, District - Patna

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ghanshyam Tiwary

For the Opposite Party/s : Mr.Pronoti Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 16-05-2024 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner has prayed for bail in a case registered for the offence punishable under sections 8(C) and 21(b) of the NDPS Act.

3. As per allegation in the FIR, on getting secret information police party raided the house of the petitioner and on search, 62 sachet of Smack (41 grams) were recovered from his house and petitioner and his wife both were arrested on spot.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this Case. No local person was made as a witness of the seizure list rather seizure list witnesses are police personnel. There is



complete violation of provision of Section 50 of the NDPS Act. There is no FSL report to confirm that the seized article is contraband material. The recovered article comes below the commercial quantity. Similarly situated other accused person has already been enlarged on bail by another coordinate Bench of this Court vide order dated 09.02.2024 passed in Cr. Misc. No. 5514 of 2024. Petitioner is languishing in judicial custody since 3.11.2023.

5. Learned APP appearing for the State has opposed the prayer of Bail.

6. 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. The above named petitioner is directed to be enlarged on bail **after framing of charge, if not framed**, on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge/Special Judge, Patna in connection with Spl NDPS Case No. 10 of 2024 arising out of Buddha Colony P.S. Case No. 707 of 2023.

(Sunil Kumar Panwar, J)

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