

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.42894 of 2024**

Arising Out of PS. Case No.-534 Year-2022 Thana- PHULWARISHARIF District- Patna

Govind Kumar @ Govind Kumar Kashyap Son of Late Rajendra Yadav  
Resident of Vill.- Sarasat, Police Station Naubatpur, District- Patna

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Union Of India Through Narcotics Control Bureau Government of India, Patna

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ravi Shanker Pankaj

For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

2      25-06-2024                      Heard learned counsel for the petitioner and learned  
APP for the State.

2.The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 399 and 402 of the Indian Penal Code, Sections 25(1-b)a, 26 and 35 of the Arms Act and Sections 8(c), 21(b) of the NDPS Act.

3. Prosecution case relates to recovery of one country made pistol, 25 sachets of smack like narcotics substance and one mobile phone from the possession of this petitioner.

4.Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. The recovered smack like



substance does not come within the purview of commercial quantity as per NDPS Act. There is no independent witness of the seizure list. Other co-accused has already been granted bail by this Court vide order dated 20.02.2023 in Cr. Misc. No. 56380 of 2022. Moreover, the petitioner is languishing in judicial custody since 21.05.2022.

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

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail **after framing of charge if the charge is not framed** in connection with Phulwarisharif P.S. Case No. 534 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court, (NDPS) No.2, Patna.

(Sunil Kumar Panwar, J)

Shubham/-

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