

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45665 of 2024

Arising Out of PS. Case No.-252 Year-2023 Thana- KUCHAIKOTE District- Gopalganj

Shivam Pandey @ Shivam Kumar Pandey Son of Parmanand Pandey R/O
Vill.- Semra Tola Chowki, P.S.- Kotwali, Dist.- Deoria (U.P.)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikash Kumar Shukla

For the Opposite Party/s : Mr. Prem Kumar Jha

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 02-07-2024 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 section 21(B) of the NDPS Act.

3. Prosecution case relates to recovery of 15gram smack like contraband substance from possession of the 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 alleged recovery of smack like substance is said to be 15 gram which is lesser than commercial quantity. It is further submitted that prosecution has not followed the mandatory provision of NDPS Act. The



petitioner has got no criminal antecedent and he is languishing in judicial custody since 30.5.2023. Moreover, other co-accused Sujit Kumar has already been enlarged on bail by this Court vide order dated 8.9.2023 passed in Cr. Misc. No. 59479 of 2023.

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 in connection with Kuchaikote P.S. Case No. 252 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 3rd, Gopalganj.

(Sunil Kumar Panwar, J)

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