

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50658 of 2023

Arising Out of PS. Case No.-82 Year-2023 Thana- BIRPUR District- Supaul

SHRAWAN MALAKAR @ SHARBAN MALAKAR Son of Late Ramanand
Malakar Resident of Bela, Ward No.- 07, P.S.- Basmatiya, District - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

7 24-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

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

As per allegation in the FIR, on secret information the
petitioner was apprehended and on search, Lupigesic injection
84 piece and Avil injection 104 piece has been recovered from
his possession.

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. It is
submitted in para 2 and 3 of the supplementary affidavit that
Lupigesic (Buprenorphine) is prohibited under NDPS Act but



the recovered Lupigesic comes under the small quantity and so far as the recovery of Avil is concerned, the same is not prohibited material under NDPS Act. Petitioner has got no criminal antecedent and languishing in judicial custody since 10.03.2023.

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

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 **after framing of charge, if not framed.** The above named petitioner is directed to be enlarged on bail 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-cum-Special Judge, NDPS, Supaul in connection with Birpur P.S. Case No. 82 of 2023.

(Sunil Kumar Panwar, J)

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