

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63954 of 2023

Arising Out of PS. Case No.-15 Year-2023 Thana- KANGLI District- West Champaran

Indra Paswan @ Indar Paswan @ Enal Hajara @ Inal Hajara Son Of Chatauli
Paswan Village- D.K. Shikarpur, Ps- Shikarpur, Dist- West Champaran.
Presently Residing At Village- Ekadari, Ps- Skita, Dist- West Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr.Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 09-02-2024 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 8, 20(b)(ii)
(B) of the N.D.P.S. Act.

3. As per prosecution case, the petitioner is alleged to
have been apprehended by SSB personnel with a plastic bag in
which 1 kg charas like substance was recovered.

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 petitioner has no
concern with the alleged recovery of *charas* like narcotic
substance. The seized *charas* is 1kg with weight of plastic cover



and amusing the net weight of the plastic cover to be a fraction of 1 gram, the net weight of contraband *charas* will come down below 1 kg and lesser than commercial quantity, thus the section 38(1)(b) of the NDPS Act is not applicable in the present case. The petitioner has got no criminal antecedent as stated in para-3 of the bail petition and he is languishing in judicial custody since 6.3.2023.

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 period, 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 not framed** in connection with Kangali P.S. Case No. 15 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 Sessions Judge, Bettiah at West Champaran.

(Sunil Kumar Panwar, J)

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