

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68119 of 2023

Arising Out of PS. Case No.-215 Year-2023 Thana- BAKHTIYARPUR District- Patna

Niwas Kumar S/O Arjun Ray R/O Village- Nayka Chiraya, P.S- Bakhtiyarpur,
Distt.- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Soni Kumari

For the Opposite Party/s : Mr.Md. Aslam Ansari

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 29-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under Sections 20(b)(ii) (B)/22(b) of the N.D.P.S. Act.

It is a case of recovery of total 10 Kg Ganja like substance from the Bhusha Ghar of the petitioner.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. Nothing incriminating article has been recovered from his conscious possession. Petitioner has no concern with the alleged recovery and recovered ganja like substance does not come within the purview of commercial quantity. It is further submitted that the



provision of N.D.P.S. Act has not been followed properly. Petitioner has got no criminal antecedent and he is languishing in judicial custody since 20.05.2023.

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

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody of the petitioner, 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 released on bail in connection with Bakhtiyarpur P.S. Case No. 215 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-XII, Patna.

(Sunil Kumar Panwar, J)

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