

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70211 of 2023

Arising Out of PS. Case No.-154 Year-2023 Thana- JALALGARH District- Purnia

MD. SARFARAZ Son of Sahvur Alam @ Md. Sahbur Alam R/o Sandalpur,
ward no. 13, P.S. - Araria, Distt. - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar Agrawal

For the Opposite Party/s : Mr.Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 16-01-2024 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 Section 8 (C), 21(b) and 25 of the N.D.P.S. Act.

As per prosecution case, petitioner was apprehended on the spot and from whose possession, total 101.52 grams of smack like substance (brown sugar) was recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. Petitioner has no concern with the alleged recovery and recovered quantity of smack like substance does not come within the purview of commercial quantity as per the NDPS Act. The provision of Section 50 of the



N.D.P.S. Act has not been followed properly at the time of preparing the seizure list. Both the witnesses of seizure list are not independent witnesses. Petitioner has got no criminal antecedent and languishing in judicial custody since 14.08.2023.

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**. The above named petitioner is directed to be released on bail in connection with Jalalgarh P.S. Case No. 154 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 court of Sessions Judge-cum-Special Judge (NDPS Act), Purnea.

(Sunil Kumar Panwar, J)

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