

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69607 of 2023

Arising Out of PS. Case No.-189 Year-2023 Thana- DELHA District- Gaya

Krishna Prasad S/O Late Mahesh Prasad R/O Village- Mohalla Murlihill, P.S-
Kotwali, Distt.- Gaya.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivesh Kumar Singh

For the Opposite Party/s : Mr.Sunil Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 12-01-2024 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©, 21(a), 25, 29 of the N.D.P.S. Act and section 30 of the Bihar Prohibition and Excise Act.

3. Allegation against the petitioner is that he was apprehended by police from whose possession, 25 sachet of heroine/brown sugar was recovered which is said to be 19.8 gram including the weight of paper.

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 heroine like narcotic



substance and the same does not come under purview of commercial quantity as per N.D.P.S. Act. It is further submitted the provision of N.D.P.S. Act has not been followed by the prosecution. Moreover, the petitioner is languishing in judicial custody since 8.7.2023. Other co-accused Lachho Devi has already been granted bail by a co-ordinate Bench of this Court vide order dt. 6.10.2023 passed in Cr. Misc. No. 63104 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 him on bail. The above named petitioner is directed to be released on bail **after framing of charge, if not framed** in connection with Delha P.S. Case No. 189 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-Cum-Special Judge NDPS Act, Gaya.

(Sunil Kumar Panwar, J)

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