

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73245 of 2023

Arising Out of PS. Case No.-251 Year-2023 Thana- SONBERSA District- Sitamarhi

Rakesh Rai @ Rakesh Ray S/O Mishri Lal Ray R/O Village- Pipara Parasain
Tola Jankai Nagar @ Pipra Parsain Tole Janki Nagar, P.S- Sonbarsa, Distt.-
Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union Of India Through The Secretary Ministry Of Home, Narcotic,
Drugs Control Bureau New Delhi New Delhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar
For the Opposite Party/s : Mr.Choubey Jawahar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 07-02-2024 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)
(A) of the N.D.P.S. Act.

3. As per prosecution case, the petitioner was
apprehended on the spot and total 3.8 Kg contraband Ganja like
substance was recovered from the sack thrown by the
petitioner.

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 due to dirty village politics.



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. Provision of Section 100 Cr.P.C. has not been followed by the police personnel while preparing the seizure list. Petitioner is languishing in judicial custody since 17.08.2023.

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 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 Sonbarsa P.S. Case No. 251 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 Special Judge, N.D.P.S. Act, Sitamarhi.

(Sunil Kumar Panwar, J)

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