

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76570 of 2023

Arising Out of PS. Case No.-314 Year-2023 Thana- KAJI MUHAMMADPUR District-
Muzaffarpur

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NITESH KUMAR TIBREBAL @ NITESH KU. TIWAREWAL Son of
Santosh Kumar Tibrebal Resident of Banaras Bank Chowk, Nala Road
Balughat, Road No.- 1, P.S.- Town, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Chandra Shekhar Anand
For the Opposite Party/s : Mr.Dinesh Singh

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 27-02-2024 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 392,

468, 489 and 414 of the IPC and Sections 8(c) and 21(b) of

the N.D.P.S. Act.

3. Prosecution case relates to recovery of 24 grams

of smack like intoxicating substance along with a motorcycle

from the possession of 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. The recovered smack does not come within the purview of commercial quantity as per NDPS Act. It is submitted from para-15 of this petition that the seized motorcycle was not stolen property rather it was purchased by co-accused and the ownership was not transferred by him due to which, the paper of the motorcycle was not produced by the accused persons and also no F.I.R has been lodged in any of the police stations regarding the theft of the said motorcycle. Moreover, the petitioner is languishing in judicial custody since 29.07.2023.

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 the petitioner on bail. The above named petitioner is directed to be released on bail **after framing of charge if the charge is not framed** in connection with Kazi Mohammadpur P.S. Case No. 314 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, N.D.P.S. Act, Muzaffarpur.

(Sunil Kumar Panwar, J)

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