

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78401 of 2023

Arising Out of PS. Case No.-260 Year-2023 Thana- SONBERSA District- Sitamarhi

JAY SHANKAR KUMAR Son of Mahendra Mahto R/o vill - Chilri Ward no. 7, P.S. - Sonbarsa, Distt. - Sitamarhi, at present R/o vill - Chilri, ward no. 6, 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 State	:	Mr. Ram Naresh Ray
For the UOI	:	Mr. Sujeet Kumar Sinha, CGC

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 25-01-2024 Heard learned counsel for the parties.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under section 21(b) of the N.D.P.S. Act.

3. It is a case of recovery of total 738 bottles of bottles cough syrup of various types along with 199 tablets of Nitrazepam were recovered from shop of the petitioner. He is said to have indulged in selling intoxicants.

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 intoxicant materials. The



alleged seized materials also 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. It is further submitted that the petitioner has got no criminal antecedents and he is languishing in judicial custody since 24.8.2023.

5. Learned counsel appearing on behalf of NCB 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 period, 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 not framed** in connection with Sonbarsa P.S. Case No. 260 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, NDPS Act, Sitamarhi or concerned court.

(Sunil Kumar Panwar, J)

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