

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81749 of 2023

Arising Out of PS. Case No.-734 Year-2023 Thana- GOPALGANJ TOWN District-
Gopalganj

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Amit Kumar @ Amit Kumar Sharma, Son Of Bandhu Sharma, R/O Village-
Salempur, P.S.- Sidhwaliya, Dist.- Gopalganj

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Devashish Giri, Advocate
For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 05-03-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Gopalganj Town P.S. Case No. 734 of 2023 lodged on
13.09.2023 under Section 8(c) and 21(b) of the NDPS Act.

3. As per the prosecution case, the FIR has been
lodged against two named accused persons, including the
present petitioner. Recovery of 7.5 gm smack along with an
electronic weighing machine is the subject matter of the present
case.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. The
petitioner is in custody since 14.09.2023 having no criminal
antecedent. Learned counsel further submits that from the



seizure list which is annexed with the FIR, it became crystal clear that from the petitioner's possession, only an electric weighing machine has been recovered whereas from the possession of other co-accused persons 7.5 gram NDPS materials have been recovered. The petitioner is ready to fulfill all the conditions and the recovered contraband is not of commercial quantity rather it is between the small and commercial quantity. Moreover, the charge has already been framed.

5. Learned counsel for the State opposes the prayer for bail.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named be released on bail, **but only after six months from the date of framing of charge, if not framed**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Gopalganj, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure.

(Dr. Anshuman, J)

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