

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.81986 of 2023**

Arising Out of PS. Case No.-213 Year-2023 Thana- PIPRAKOTHI District- East Champaran

Lav Bhagat, Son Of Rajendra Bhagat R/O Village- Dumri, P.S.- Pipra Kothi,  
District- East Champaran. Presently R/O Village- Bathna, P.S.- Pipra Kothi,  
District- East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Vikash Kumar Pankaj, Adv.

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

5      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  
Pipra Kothi P.S. Case No. 213 of 2023, lodged on 16.09.2023  
under Sections 8, 17(b), 18(b) of the N.D.P.S. Act, 1985.

3. As per the prosecution case, FIR has been lodged  
against the sole petitioner. Total 1.5 kgs of opium has been  
recovered which 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. Counsel  
also submits that the criminal antecedent of the petitioner is  
clean and he is in custody since 17.09.2023. Counsel further  
submits that the said recovered quantity of opium is 1.5 kgs



which is in between small quantity and commercial quantity.

5. Learned counsel for the petitioner submits that the seizure of the material has been made in complete violation of section 100 of the Cr.P.C as well as in violation of Rule 8 to 13 of the Narcotic Drugs and Psychotropic Substances (Seizure, Storage, Sampling & Disposal) Rules, 2022. Counsel further submits that copy of the said rule is attached and also there is no independent witness of the seizure list. Counsel also submits that the petitioner is ready to fulfil all the conditions whatsoever shall be imposed upon him.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the material recovered is is N.D.P.S. material.

7. Upon specific query of the Court from the counsel for petitioner that whether charge has been framed in this case or not, counsel submits that he is not aware that whether charge has been framed or not.

8. In the present facts and circumstances of this case and the submissions made above, **let the petitioner above named be granted bail, but only six months after 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-cum-Special Judge, NDPS, East Champaran, Motihari in connection with Pipra Kothi P.S. Case No. 213 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C.

**(Dr. Anshuman, J.)**

Divyansh/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

