

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83437 of 2023

Arising Out of PS. Case No.-181 Year-2023 Thana- KOTWA District- East Champaran

DEEP SHANKAR SINGH S/O UMESH SINGH VILLAGE- KOTWA,PS.
KOTWA, DIST. EAST CHAMPARAN.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 03-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Kotwa P.S. Case No. 181 of 2023 instituted for the offences under Section 8, 15, 17(C), 18(C), 20(B)(II)(C), 23, 25 of the NDPS Act.

3. As per prosecution case, there is recovery of 490 gram opium from a motorcycle which was parked near the house of the petitioner and 44.750 kg Doda (opium product) from the Varandah of the petitioner.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. The petitioner has no concern with the alleged recovery. Nothing incriminating article has been recovered from the conscious



possession of the petitioner. He is languishing in judicial custody since 14.05.2024 and has two criminal antecedents. The recovered contraband is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. Charge-sheet has been submitted in this case. Co-accused has been granted bail by this Court by order dated 13.02.2024 passed in Cr. Misc. No. 6415 of 2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, judicial custody undergone by the petitioner, charge-sheet being submitted and claim based on parity, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail after *framing of charge, if not already framed* on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kotwa P.S. Case No. 181 of 2023.

(Rudra Prakash Mishra, J)

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