

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84521 of 2023

Arising Out of PS. Case No.-326 Year-2023 Thana- FALKA District- Katihar

Abhinav Kumar Son Of Sunil Kumar Yadav @ Sunil Kumar Mandal Resident
Of Village- Gopal Patti, P.S.- Falka, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghvendra Kumar Singh

For the Opposite Party/s : Mr.Madan Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 08-01-2024 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 8, 20 and 22 of the NDPS Act.

3. Prosecution case relates to recovery of total 20.5 grams of smack like intoxicating substance from the possession of the petitioner along with other co-accused persons who are said to be apprehended on spot and two motorcycles have also been recovered from their possession.

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. He has no concern with the seized smack like substance. The recovered smack does not



come within the purview of commercial quantity as per NDPS Act. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. The provision of NDPS Act has not been followed by the prosecution. Similarly situated other co-accused person has already been granted bail by this court vide order dated 15.12.2023 in Cr. Misc. No. 80924 of 2023. Moreover, he is languishing in judicial custody since 09.09.2023.

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 in connection with Falka P.S. Case No. 326 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, Katihar.

(Sunil Kumar Panwar, J)

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