

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85896 of 2023

Arising Out of PS. Case No.-988 Year-2023 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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BADAL KUMAR S/O MITHILESH YADAV R/M- MANSAR, P.S-
MADHUSUDANPUR, DISTT.- BHAGALPUR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh
For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 11-01-2024 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 21(b), 22 of
the N.D.P.S. Act.

3. Allegation against the petitioner is that he was
apprehended on spot from whose possession, 20 gram brown
sugar like contraband substance was recovered.

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 brown sugar like narcotic
substance and the same is alleged to be 20 gram which 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. He has got no criminal antecedent and languishing in judicial custody since 18.10.2023.

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 period of the petitioner, 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 Kotwali (Jogsar) P.S. Case No. 988 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 District and Sessions Judge, Bhagalpur.

(Sunil Kumar Panwar, J)

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