

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.4790 of 2024**

Arising Out of PS. Case No.-755 Year-2023 Thana- KANTI District- Muzaffarpur

Santosh Jha @ Santosh Kumar Jha S/O Jitendra Jha Village- Kanti Naya Tola  
Ward No 18 Police Station- Kanti, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Sanjay Kumar S.K.

For the Opposite Party/s : Mr.Md. Mushtaque Alam

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

2      09-02-2024                      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(c), 21(B), 8, 20(B)(ii) (A) of the NDPS Act.

3. Prosecution case relates to recovery of total 61.250 grams of smack like intoxicating substance and 89.400 grams of ganja have been recovered from the house of the petitioner.

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. Nothing has been recovered from the conscious possession of the petitioner and also he has no concern with the alleged incriminating articles. The recovered contraband does not come within the purview of commercial



quantity as per NDPS Act. There is no independent witness of the seizure list rather they are police personnel. Moreover, the petitioner is languishing in judicial custody since 27.09.2023.

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 **after framing of charge if the charge is not framed** in connection with Kanti P.S. Case No. 755 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 11<sup>th</sup> Additional Sessions Judge cum Special Judge, Muzaffarpur.

(Sunil Kumar Panwar, J)

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