

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.700 of 2024

Arising Out of PS. Case No.-249 Year-2023 Thana- DELHA District- Gaya

Birendra Paswan @ Virendra Paswan S/o Late Kanhai Paswan R/o Chhotaki
Nawadah PS Delha District Gaya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Priyadarshi Pankaj Raj Anand

For the Opposite Party/s : Mr.Mohammad Sufyan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 16-01-2024 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(C)/21(a)/29 of the N.D.P.S. Act.

3. Allegation against the petitioner along with co-accused persons that they were apprehended on spot from whose possession, 2.1 gram of smack 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 smack like narcotic substance and the same is alleged to be 2.1 gram which is lesser than small quantity as per N.D.P.S. Act. It is further submitted



the provision of N.D.PS. Act has not been followed by the prosecution. Moreover, the petitioner is languishing in judicial custody since 6.10.2023.

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, 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 Delha P.S. Case No. 249 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-Cum-Special Judge, NDPS Act, Gaya.

(Sunil Kumar Panwar, J)

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