

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6705 of 2024

Arising Out of PS. Case No.-869 Year-2023 Thana- FORBESGANJ District- Araria

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BIRBAL KUMAR GUPTA S/O SHREE SHARWAN KUMAR GUPTA @
Sawar Prasad Gupta @ Sharwan Prasad Gupta RESIDENT OF VILLAGE
PACHIRA, WARD NO. 5, POLICE STATION - RANIGANJ DISTRICT-
ARARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Mandal, Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 17-02-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Forbesganj (Simraha) P.S. Case no. 869 of 2023 corresponding to Special Case no. 82 of 2023 registered under section 21B of the N.D.P.S. Act.

3. As per the prosecution case, on search being conducted, the four accused persons including the petitioner herein were caught and 40.5 grams of smack was recovered.

4. Learned counsel for the petitioner referring to the contents of the FIR submits that no incriminating article has been recovered from petitioner's possession. Even as per the prosecution case, a mobile phone was recovered from the petitioner's possession. He is in custody since 15.9.2023 and has



no criminal antecedent. Coaccused Awan Kumar, Suman Kumar and Bishwajeet Kumar have been enlarged on bail vide orders dated 12.1.2024 passed in Cr.Misc. no.123 of 2024, dated 16.1.2024 passed in Cr.Misc. no.463 of 2024 and dated 30.1.2024 passed in Cr.Misc. no. 3901 of 2024 respectively.

5. Heard learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R., grant of bail to the other coaccused by the aforesaid orders, no narcotic substance having been recovered from the petitioner's possession, the petitioner not having any criminal antecedent, his having remained in custody since 4.9.2023 and chargesheet having been submitted in the case, the Court directs the petitioner to be enlarged on bail in connection with Forbesganj (Simraha) P.S. Case no. 869 of 2023 corresponding to Special Case no. 82 of 2023 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge-cum-Special Judge, N.D.P.S. Act, Araria, District- Araria.

(Partha Sarthy, J)

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