

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2353 of 2024

Arising Out of PS. Case No.-132 Year-2023 Thana- BHITAHA District- West Champaran

Birendra Sahni Son of Raghunath Sahni @ Raghunath Chaudhary R/o vill -
Rupahi Tar, P.S. - Bhitaha, Distt. - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kr Singh No. 1

For the Opposite Party/s : Mr.Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 31-01-2024 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(b)(ii) (A) of the N.D.P.S. Act.

3. Allegation against the petitioner is that he was involved in sell of narcotic substance and from whose possession, 1 kg ganja like 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 ganja like narcotic substance and the same is alleged to be 1 kg 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.PS. Act has not been followed by the prosecution. It is further submitted that the petitioner is languishing in judicial custody since 1.9.2023.

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 Bhitaha P.S. Case No. 132 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, West Champaran at Bettiah.

(Sunil Kumar Panwar, J)

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