

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5380 of 2024

Arising Out of PS. Case No.-976 Year-2023 Thana- KHAJANCHI HAT District- Purnia

Abhishek Anand @ Abhishek Aman, Male, aged about 23 years, Son of Dilip Mehta Permanent residence Pranpatti, ward no. 2 P.S. K-Nagar (Champanagar) District Purnea present residence Ufarail Chuwak, PS-Maranga, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal, Advocate

For the Opposite Party/s : Mr. Arun Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 13-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with K-Hat (Sahayak) PS Case No. 976 of 2023 (Special NDPS Case No. 111 of 2023) instituted for the offences punishable under Sections 8 (c) /21(b) of the Narcotic Drugs and Psychotropic Substance Act.

3. As per the prosecution case, recovery is of 5 gram of smack from the possession of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has



falsely been implicated in this case. From perusal of the case diary, FIR, seizure list and the bail rejection order of the learned Additional Sessions Judge-X, Purnea dated 25.11.2023, it appears that no psychotropic substance has been recovered from the possession of the petitioner and his name surfaced from the confessional statement of co-accused. Similarly situated co-accused namely Md. Masoom Raja @ Md. Masum Raja has been granted bail by a co-ordinate Bench of this Court in Cr. Misc. No. 2886 of 2024 dated 24.01.2024. Petitioner is in custody since 20.08.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR, it appears that petitioner has not arrested at the spot and no recovery from the conscious possession of the petitioner and only in confessional statement of co-accused who has been arrested on the spot namely, Sanjay Kumar @ Mannu, Mohit Ram and Md. Masum who were arrested at the spot, confessed against police persons that total smack recovered 44.90 gm and out of which 5gm was sold to Abhishek Anand @ Abhishek Aman and also considering that Md. Masoom Raja @ Md. Masum Raja has already been granted bail by the Co-ordinate Bench of this Court in Cr. Misc. No. 2886 of 2024 dated 24.01.2024, let the



petitioner above named be released on bail *after framing of charge* on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Xth Additional Sessions Judge-cum-Special Judge (NDPS Act), Purnea in connection with K-Hat (Sahayak) PS Case No. 976 of 2023 (Special NDPS Act) Case No. 111 of 2023.

7. However, the trial Court is directed to conclude the proceeding of *framing of charge* according to law within a period of one month from the date of receipt of this order.

(Ramesh Chand Malviya, J)

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