

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.30696 of 2023**

Arising Out of PS. Case No.-31 Year-2023 Thana- ARA MUFFSIL District- Bhojpur

Prakash Kumar Son Of Mr. Lal Babu Prasad Resident Of Village - Srirampur,  
P.S. - Bihta, Distt. - Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Ms. Vaishnavi Singh, Advocate

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

3      05-07-2023                      Heard learned counsel appearing on behalf of the  
petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with Ara  
Mufassil P.S. Case No.31 of 2023 registered for the offence  
under Sections 20, 27 and 29 of the N.D.P.S. Act.

The accused/petitioner is named in the F.I.R. and is in  
custody since 24.01.2023.

The allegation against the petitioner is to have in  
possession of 50 grams contraband i.e., heroine like substance  
alongwith other co-accused persons.

Learned counsel appearing on behalf of the petitioner  
submitted that alleged contraband i.e., heroine like substance  
was recovered from co-accused, Mukesh Kumar, and this  
petitioner implicated in the present case only for the reason he



was sitting inside the car having no knowledge about contraband. It is submitted that from the narration of the F.I.R. it can be gathered safely that the alleged recovery not appears to be made from the conscious physical possession of this petitioner. It is further submitted that recovered quantity is less than commercial quantity, therefore implication of Section 37 of the N.D.P.S. Act not appears to be applicable in the present case. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer for bail.

In view of the facts and circumstances as mentioned above as alleged contraband i.e., heroine like substance was recovered from co-accused and not from the conscious physical possession of this petitioner, which is less than commercial quantity coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 24.01.2023, accordingly petitioner, above named, is directed to be released on bail in connection with Ara Mufassil P.S. Case No.31 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 learned 1<sup>st</sup> Additional Sessions Judge-cum-Special Judge, N.D.P.S. Act, Bhojpur at Ara/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

**(Chandra Shekhar Jha, J.)**

S.Tripathi/-

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