

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33719 of 2023

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

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Mukesh Kumar Son of Late Sudama Prasad Verma Resident of Village-
Srirampur, PS- Bihta, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh, Advocate
For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-07-2023 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period

of four weeks from today.

The petitioner seeks bail in connection with Ara

Muffasil 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 heroine like substances total of 50 grams.

Learned counsel appearing on behalf of the petitioner



submitted that petitioner falsely implicated with present case as compliance of Section 50 of the N.D.P.S. Act, 1985, not appears to be followed in present case, which is otherwise a mandatory provision of law. It is submitted that alleged recovered quantity is less than commercial quantity, therefore, Section 37 of the N.D.P.S. Act not appears to be applicable in present case. While concluding the argument, it has been submitted that petitioner found involved in one more criminal case, where he is on bail and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above and by taking note of the fact as compliance of Section 50 of the N.D.P.S. Act not appears to be followed on its face, where alleged contraband i.e., herione like substances 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, above named petitioner is directed to be released on bail in connection with Ara Muffasil 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 1st 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)

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