

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80781 of 2023

Arising Out of PS. Case No.-105 Year-2023 Thana- SAHARGHAT District- Madhubani

Raju Kumar Singh @ Raju Kumar Son of Nand Kishor Singh @ Nand Kishor Mahto R/O Village- Tulgiyahi Jawadi, P.S.- Tulsiyahi, District- Dhanusha (Nepal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha

For the Opposite Party/s : Mr. Rita Verma

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 21-12-2023 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Shaharghat P.S. case No. 105 of 2023, corresponding to G.R. No. 58 of 2023 instituted for the offences under Sections 8/20(b) (ii)(B) of the N.D.P.S. Act.

3. Prosecution allegation, in short, is that two accused persons including this petitioner were apprehended on the spot with motorcycle and *ganja* weighing 2.015 Kg.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 10.08.2023 and has no criminal antecedent. He further submitted that although the petitioner is named in the FIR, the motorcycle was not recovered from his



possession. The petitioner has falsely been implicated in the present case only on the basis of suspicion. The recovered contraband is just above the small quantity as per the N.D.P.S. Act. There is no compliance of Section 42 and 50 of the N.D.P.S. Act.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Shaharghat P.S. case No. 105 of 2023, corresponding to G.R. No. 58 of 2023.

(Rudra Prakash Mishra, J)

Alok Verma/-

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