

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80735 of 2023

Arising Out of PS. Case No.-24 Year-2023 Thana- MANSI RAIL P.S. District- Khagaria

Darshan Kumar Son Of Sudhir Yadav R/O Village- Tikarampur, Ward No.3,
P.S.- Muffasil Munger, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Rajesh Kumar, Advocate
For the State : Mr. Dilip Kumar No. 1, APP

**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 Special
(N.D.P.S.) Case No. 19 of 2023 arising out of Mansi Rail P.S.
Case no. 24 of 2023 instituted for the offence under Sections
8/20(b)(ii)(B) of the NDPS Act.

3. As per prosecution case, it is alleged that 2 kg of
ganja has been recovered from the joint possession of two
accused persons, including the petitioner.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 26-04-2023. Petitioner is
stated to be man of clean antecedents.

5. It has been further submitted by the petitioner's



counsel that petitioner has been falsely implicated in the present case. Even, the alleged quantum of recovery is way below the commercial quantity, though it is above small quantity. Hence Section 37 of the NDPS Act is not applicable in this case. There is no compliance of Section 42 and 50 of the NDPS Act. It is also submitted that in absence of any expert report from the FSL, allegation under the NDPS Act is not applicable against the petitioner.

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

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner and quantum of recovery, this Court is inclined to grant bail to the petitioner.

8. 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 Special (N.D.P.S.) Case No. 19 of 2023, arising out of Mansi Rail P.S. Case No. 24 of 2023 subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date



fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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