

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6415 of 2024

Arising Out of PS. Case No.-181 Year-2023 Thana- KOTWA District- East Champaran

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Ajeet Kumar Singh S/O Late Lalan Singh Village- Kotwa, Ps. Kotwa, Dist.
East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate.

For the Opposite Party/s : Mr. Upendra Kumar, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

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 Kotwa
P.S Case No. 181 of 2023 instituted for the offence under
Sections 8/15/17(c)/18(c)/20(b)(ii)(c)/23/25 of the Narcotic
Drugs and Psychotropic Substances Act (N.D.P.S. Act).

3. As per the prosecution case, when the informant
along with his team reached at the place of occurrence, where
two persons seeing the police started fleeing away, but on chase
one person has been apprehended and another person succeeded
in fleeing away and in course of search total 44.750 kg Doda
(Opium product) has been recovered from house. It is further
alleged that 490 gms Opium kept in a plastic bag has also been



recovered from the *dicky* of the motorcycle parked in front of the house of Deep Shankar Singh.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 04.11.2023. Petitioner bears three criminal antecedents, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. He further submits that the petitioner was not apprehended at the spot. No incriminating article was recovered from his possession. The name of the petitioner has transpired on the basis of confessional statement of apprehended co-accused person, namely, Deep Shankar Singh. It is further submitted that petitioner has no concern with alleged Doda (Opium) and motorcycle. The recovery of contraband is made from the house of the co-accused Deep Shankar Singh. It is next submitted that the recovered quantity of Doda (Opium) is less than commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in this Case. There is no compliance of the Section 42 and 50 of the N.D.P.S. Act.

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, the period of custody of the petitioner and the fact that recovered quantity of contraband is less than commercial quantity, 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 Kotwa P.S Case No. 181 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)

Nilmani/-

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