

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6914 of 2024

Arising Out of PS. Case No.-179 Year-2023 Thana- DUMARIAGHAT District- East
Champaran

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Krishna Kumar Sah Son Of Late Dina Sah Resident of Village - Bhitbharwa,
P.S .- Sangrampur, District - East Champaran, Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner : Mr. Karandeep Kumar, Advocate
For the State : Mr. Anil Kumar, APP

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

ORAL ORDER

2 17-02-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with NDPS
Case No. 45 of 2023, arising out of Dumariyaghat P.S. Case No.
179 of 2023 instituted for the offence under Sections 20(b)(ii)
(c), 25 & 29 of the NDPS Act.

3. As per prosecution case, total 15.450 Kg of
'Ganja', mobile and motorcycle has been recovered from the
possession of the petitioner, while one accused person fled
away.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 18-06-2023. Petitioner is
stated to be man of clean antecedent.



5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Petitioner has taken lift from the motorcycle. Seizure list is not in accordance with law. Even though the alleged recovered quantity is less than commercial quantity. Hence, Section 37 of the NDPS Act is not applicable in the instant case. There is no compliance of Sections 42 & 50 of the NDPS Act. Charge sheet has already been submitted in this case.

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, clean antecedent and charge sheet being submitted, 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 NDPS Case No. 45 of 2023, arising out of Dumariyaghat P.S. Case No. 179 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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