

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6205 of 2024

Arising Out of PS. Case No.-858 Year-2023 Thana- CHAPRA MUFFASIL District- Saran

Abhishek Kumar, aged about 19 years, (Male), Son of Raja Ray Resident of
Village- Sadha, Ps- Chapra Mufassil, Distt- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rajani Kumari, Advocate.

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

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

ORAL ORDER

2 12-02-2024 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in connection with
Chapra Mufassil P.S. Case No. 858 of 2023 instituted for
the offence under Sections 8(c) and 21(b) of N.D.P.S. Act.

3. As per the prosecution case, when the informant
along with his team proceeded for patrolling duty and
reached at place of occurrence, two persons were selling
smack and consuming the same. After seeing the police
vehicle two boys started fleeing who were apprehended on
chase and disclosed their names as Abhishek Kumar
(petitioner) and Shekhar Kumar (co-accused). On search 10



puriyas weighing 9 gms smack and a mobile phone were recovered from possession of the petitioner and 4 puriyas weighing 3.600 gms smack and a mobile phone were recovered from the possession of the co-accused, Shekhar Kumar.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 20.10.2023. Petitioner bears one criminal antecedent, 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 on the basis of suspicion the police arrested the petitioner. It is further submitted that the recovered quantity of 9 gms of smack is more than small quantity but 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. The 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 as well as the fact that the 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 Chapra Mufassil P.S. Case No. 858 of 2023.

(Rudra Prakash Mishra, J)

Nilmani/-

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