

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11243 of 2024

Arising Out of PS. Case No.-596 Year-2023 Thana- NARPATGANJ District- Araria

Nischal Rai S/o Deo Kumar R/o Vill - Dharan, P.S - Dharan, District - Sunsari
(Nepal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

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

ORAL ORDER

2 26-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Special
Case No. 98 of 2023 arising out of Narpatganj (Basmatiya) P.S.
case No. 596 of 2023 instituted for the offences under Sections
21(c), 22 and 23 of the N.D.P.S. Act.

3. Prosecution allegation, in short, is that police, on the
basis of secret information intercepted the motorcycle. On
search, total 8 gram Brown Sugar was recovered from the
motorcycle of the petitioner.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.
Learned counsel further submitted that petitioner has no concern



with the alleged recovery. Learned counsel next submitted that the recovered contraband is just above the small quantity and below the commercial quantity as per N.D.P.S. Act, hence, Section 37 of the N.D.P.S. Act is not applicable. There is no compliance of Section 42 and 50 of the N.D.P.S. Act. It has been submitted on behalf of the petitioner that the petitioner is in custody since 15.10.2023 and has no criminal antecedent.

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, clean antecedent 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 Special Case No. 98 of 2023 arising out of Narpatganj (Basmatiya) P.S. case No. 596 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)

Alok Verma/-

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