

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12433 of 2024

Arising Out of PS. Case No.-193 Year-2023 Thana- BIRPUR District- Supaul

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1. Ram Narayan Mehta Son Of Satya Narayan Mehta R/O-Bishanpur, Ward No. 6, P.S.-BHAPTIYAH, Distt.-SUPAUL
 2. Nunu Lal Mehta Son Of Ram Krishna Mehta R/O-Ratanpur Ward No. 9, P.S.-RATANPUR, Distt.-SUPAUL

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra, Advocate
For the Opposite Party/s : Mr.Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 12-03-2024 Heard learned counsel for the petitioner No. 1 and learned APP for the State. The present application subsists only against petitioner No. 1 as the application against petitioner No. 2 has already been dismissed as withdrawn vide order dated 28.02.2024 passed in the present proceeding.

2. The petitioner No. 1 seeks bail in N.D.P.S. Case No. 35 of 2023 arising out of Birpur P.S. case No. 193 of 2023 instituted for the offences under Sections 8, 20(b)(ii)(b) of N.D.P.S. Act.

3. Prosecution allegation, in short, is that on search, the police seized 6 kg 362 gram ganja like substance from the bag along with one motorcycle.



4. Learned counsel for the petitioner No. 1 submits that the petitioner is innocent and has falsely been implicated in the present case. The petitioner No. 1 is in custody since 20.06.2023 and has got no criminal antecedent. Charge-sheet has been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioner No. 1. The recovered contraband is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner No. 1.

6. Considering the aforesaid facts and circumstances of the case, the period of custody undergone by the petitioner and the clean antecedent of the petitioner No. 1, this Court is inclined to grant bail to the petitioner No. 1.

7. Let the petitioner No. 1 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 N.D.P.S. Case No. 35 of 2023 arising out of Birpur P.S. case No. 193 of 2023 subject to the following conditions:



(I) One of the bailors shall be own/close member of the family of the petitioner No. 1.

(II) The petitioner No. 1 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 No. 1.

(Rudra Prakash Mishra, J)

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