

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10196 of 2024

Arising Out of PS. Case No.-449 Year-2023 Thana- KAJI MUHAMMADPUR District-
Muzaffarpur

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Sonu Chaudhary @ Sonu Kumar Chaudhary Son Of Late Suresh Chaudhary
Resident Of Mohalla - Aamgola Khajoorbanni, P.S. - Kazi Mohammadpur,
District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner : Mr. Krishna Chandra Ojha, Advocate
For the State : Mr. Atul Chandra, APP

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

ORAL ORDER

2 21-02-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Kazi
Mohammadpur P.S. Case No. 449 of 2023 instituted for the
offence under Section 414 of the Indian Penal Code and
Sections 8(c), 21(b) & 27 of the NDPS Act.

3. As per prosecution case, total 16 grams of smack
like substance was recovered from the possession of the
petitioner.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 27-10-2023. 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. Nothing has been recovered from the conscious possession of the petitioner. Even though the alleged recovered quantity comes within the ambit of small 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. Other co-accused have been granted granted bail by the Court below.

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, charge sheet being submitted, clean antecedent of the petitioner and claim based on parity, 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 Kazi Mohammadpur P.S. Case No. 449 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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