

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.6405 of 2024**

Arising Out of PS. Case No.-1260 Year-2023 Thana- DANAPUR District- Patna

Munna Kumar Rai son of Raju Rai Village- Sultan Pur Near Sipahi Bhagat  
School Ps- Danapur Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner : Mr. Rewti Kant Raman, Advocate  
For the State : Mr. Sanjay Kumar Tiwary, APP

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

ORAL ORDER

2      15-02-2024      Heard learned counsel for the petitioner and learned APP  
for the State.

2.      The petitioner seeks bail in connection with  
Danapur P.S. Case No. 1260 of 2023 instituted for the offence  
under Section 21(b) of the NDPS Act.

3.      As per prosecution case, total 6.42 grams of 'brown  
sugar' 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 23-09-2023. 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. It is alleged that total 6.42 gram brown sugar was recovered, out of which 3.42 grams brown sugar has been recovered from the possession of the petitioner. Recovered article was not sent for the F.S.L. Seizure list is not in accordance with law. 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.

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 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 Danapur P.S. Case No. 1260 of 2023.

**(Rudra Prakash Mishra, J)**

Raj Kishore/-

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