

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8281 of 2024

Arising Out of PS. Case No.-484 Year-2023 Thana- SUGAULI District- East Champaran

Rafiuddin Wife of Mohammad Alam Resident of Village- Shirpur Bazar Ward
No. 2 PS- Sugauli, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhannjay Kumar, Adv.

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia, APP

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

ORAL ORDER

2 19-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Sugauli
P.S. Case No. 484 of 2023 instituted for the offences under
Sections 8, 20(b) (ii) (C) of the N.D.P.S. Act..

3. As per prosecution case, the police, has recovered
475 Grams Ganja from the house of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case due to village enmity. He further submits that
nothing incriminating has been recovered from the conscious
possession of the petitioner rather the same has been found from
the house. The petitioner has no concern with the seized article.



He further submits that till today, the F.S.L. report has not come but, even then, the Informant has declared the substance as Ganja. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present bail application. The quantity of Ganja recovered is less than the small quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Section 42 and 50 of the N.D.P.S. Act. The petitioner is languishing in judicial custody since 10.11.2023.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the entire facts and circumstances of the case and taking into account the quantity of Ganja recovered as also the petitioner having no criminal antecedent, let the petitioner, abovenamed, 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 Sugauli P.S. Case No. 484 of 2023.

(Rudra Prakash Mishra, J)

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