

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9709 of 2024

Arising Out of PS. Case No.-911 Year-2023 Thana- GOPALGANJ TOWN District-
Gopalganj

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Sabir Ali @ Sabir Ansari son of Ali Hasan Ansari R/o- Mathia Ps- Gopalganj
Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vishwajeet Kumar Mishra
For the Opposite Party/s : Mr.Satya Nand Shukla

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

ORAL ORDER

4 26-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Gopalganj (Town) P.S.
Case No. 911 of 2023, instituted for the offences under Sections
8(c) and 21(b) of the N.D.P.S. Act.

3. Prosecution allegation, in short, is that, on secret
information, the police arrested two persons and total 18.88
gram smack like substance was recovered.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from
the conscious possession of the petitioner. It is submitted that
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. The petitioner is in custody since 16.11.2023 and has got no criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted bail by this court vide order dated 05.03.2024 passed in Cr. Misc. No. 13358 of 2024.

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, the recovered contraband being below the commercial quantity, the period of custody undergone by the petitioner and claim based on parity, 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 Gopalganj (Town) P.S. Case No. 911 of 2023.

(Rudra Prakash Mishra, J)

Rajorshi/-

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