

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9609 of 2024

Arising Out of PS. Case No.-1314 Year-2023 Thana- DANAPUR District- Patna

Md. Tinku Khan @ Md. Tinku Son Of Md. Aftab Resident Of Village- Naya
Tola Saguna More, Ps- Danapur, Distt- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vishwa Ranjan Choudhary, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

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

ORAL ORDER

4 10-05-2024 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. 1314 of 2023 instituted for the offences
under Sections 21(b) of the N.D.P.S. Act.

3. Prosecution case, in short, is that total 12.5 grams
of brown sugar has been recovered in this case.

4. Learned counsel for the petitioner submitted that
the petitioner has falsely been implicated in the present case.
Charge-sheet has been submitted in this case. Petitioner is in
custody since 04.10.2023 and has one criminal antecedent.
There is no allegation of tampering of witnesses alleged against
the petitioner. No incriminating material has been recovered



from the conscious possession of the petitioner. The recovered contraband is just above the small quantity but far below commercial quantity, and 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. Other co-accused has been granted bail by this Court *vide* order dated 25-04-2024, passed in Cr. Misc. No. 31152 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, claim based on parity, quantity of the recovered contraband as also the period of custody undergone by the petitioner, 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 Danapur P.S. case No. 1314 of 2023.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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