

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12865 of 2024

Arising Out of PS. Case No.-812 Year-2023 Thana- BHABHUA District- Kaimur (Bhabua)

Akhilesh Kumar son of Late Gungai Bind Village- Sarangpur Ps- Bhabua
Dist- Kaimur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudhanshu Prakash, Advocate

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

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

ORAL ORDER

2 01-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Bhabua
P.S. case No. 812 of 2023 instituted for the offences under
Sections 8(c), 21(b), 29 of the N.D.P.S. Act.

3. Prosecution case, in short, is that total 7.98 grams of
heroin/smack was recovered from the possession of this
petitioner and co-accused Ramashray Prasad.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case merely
on suspicion. Petitioner is in custody since 06.09.2023 and has
no criminal antecedent. Petitioner has got no concern with the
alleged recovery. There is no allegation of tampering of



witnesses alleged against the petitioner. Similarly situated co-accused person has already been granted bail by a Coordinate Bench of this Court vide order dated 29.01.2024 passed in Cr. Misc. No. 1996 of 2024. The recovered contraband is 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.

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, clean antecedent 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, **after framing of charge, if not already framed** 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 Bhabua P.S. case No. 812 of 2023.

(Rudra Prakash Mishra, J)

Alok Verma/-

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