

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11874 of 2024

Arising Out of PS. Case No.-244 Year-2023 Thana- KOCHADHAMAN District- Kishanganj

Bablu Kumar Yadav S/o Bhuvneshwar Yadav R/o vill - Champapur, P.S. -
Nawhatta, Distt. - Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamlesh Kumar Pathak, Advocate

For the Opposite Party/s : Mr.Md. Ataur Rahman, APP

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

ORAL ORDER

2 04-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Kochadhaman P.S. case
No. 244 of 2023 instituted for the offences under Sections 8(c),
20(b)(ii)(B), 22 and 23 of the N.D.P.S. Act.

3. Prosecution allegation, in short, is that the 7.010
ganja was recovered from the petitioner in a black colour bag.

4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case. The
petitioner is in custody since 15.10.2023 and has got no criminal
antecedent. Charge-sheet has been submitted in this case. No
incriminating material has been recovered from the conscious
possession of the petitioner. The petitioner has no concern with



the alleged recovery of contraband. 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. There is no compliance of Sections 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 of the petitioner, the period of custody undergone by the petitioner and the recovered contraband is below the commercial quantity, 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 Kochadhaman P.S. case No. 244 of 2023.

(Rudra Prakash Mishra, J)

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