

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12015 of 2024

Arising Out of PS. Case No.-57 Year-2023 Thana- MAKER District- Saran

Raju Rai Son of Late Sobhan Ray Resident of Gauri tola, P.s.- Maker, dist.- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Digvijay Narayan Singh, Advocate
For the State	:	Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 27-02-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Maker P.S. Case No. 57 of 2023 instituted for the offence under Sections 20/22 of the NDPS Act.

3. As per prosecution case, total 10 grams of smack was recovered from the possession of the petitioner.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 06-04-2023. Petitioner is stated to be man of clean antecedent.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Recovered article was not sent for the F.S.L. Even though



the alleged recovered quantity is below the commercial quantity.
Hence, Section 37 of the NDPS Act is not applicable in the instant case. There is no compliance of Sections 42 & 50 of the NDPS Act.

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

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, clean antecedent of the petitioner and recovered quantity is below the commercial quantity, this Court is inclined to grant bail to the petitioner.

8. 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 Maker P.S. Case No. 57 of 2023.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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