

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.11849 of 2024**

Arising Out of PS. Case No.-179 Year-2023 Thana- GAYA RAIL P.S. District- Gaya

Bijendra Kumar @ Bijendra Kumar @ Bijendra Kumar son of Nand Lal  
Village- Shekhupur Ps-Raviganj Dist- Pratapgardh U.P

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner : Mr. Aryan Singh, Advocate

For the State : Mr. Anant Kumar 1, APP

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

ORAL ORDER

2      26-02-2024      Heard learned counsel for the petitioner and learned APP  
for the State.

2.      The petitioner seeks bail in connection with NDPS  
Case No. 48 of 2023, arising out of Gaya Rail P.S. Case No.  
179 of 2023 instituted for the offence under Sections  
8/17(C)/18(C) of the NDPS Act.

3.      As per prosecution case, total 1340 grams of  
opium 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 20-06-2023. 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. Nothing has been recovered from the conscious possession of the petitioner, rather recovery is made from an open place near Shiv Temple. Even though the alleged recovered quantity is much below the commercial quantity and slightly above the small 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. Charge sheet has already been submitted in this case.

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 comes 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 NDPS



Case No. 48 of 2023, arising out of Gaya Rail P.S. Case No.  
179 of 2023.

**(Rudra Prakash Mishra, J)**

Raj Kishore/-

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