

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13493 of 2024

Arising Out of PS. Case No.-372 Year-2023 Thana- BARHARA KOTHI District- Purnia

Badal Kumar son of Timuu Paswan @ Krishnadeo Paswan Village- Iward
No-3, Baniyapati Ps- K.Nagar Dist- Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Jha, Advocate

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

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

ORAL ORDER

2 05-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Special
Case No. 2(N.D.P.S. Act) arising out of Barhara Kothi P.S.
case No. 372 of 2023 instituted for the offences under Sections
8/20(b)(ii)B of the N.D.P.S. Act.

3. Prosecution case, in short, is that total 6.480 Kg
ganja 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 07.11.2023 and has no 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 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 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 Special Case No. 2(N.D.P.S. Act) arising out of Barhara Kothi P.S. case No. 372 of 2023.

(Rudra Prakash Mishra, J)

Alok Verma/-

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