

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12966 of 2024

Arising Out of PS. Case No.-37 Year-2023 Thana- JIYAPOKHAR District- Kishanganj

Tasiruddin @ Tasirodin @ Lapka Son of Late Shamsuddin Resident of Michan basti (73), Jiyapokhar, Bandar Jhula, P.S.- Jiyapokhar, District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Sinha

For the Opposite Party/s : Mr.Jagdhara Prasad

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

4 19-03-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Jiyapokhar PS Case No. 37 of 2023 instituted for the offences under Sections 8C & 21(b) of the NDPS Act.

3. Prosecution case in short is that there is recovery of 29.60 grams of MD was recovered .

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner further submits that petitioner is small hawker of consumable



article of the locality. 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. The petitioner is in custody since 09-10-2023, and has got no criminal antecedent. 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, recovery below commercial quantity and 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 Jiyapokhar PS Case No. 37 of 2023.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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