

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13755 of 2024

Arising Out of PS. Case No.-845 Year-2023 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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Manish Kumar Son Of Late Arun Kumar Resident Of Mohalla - Gola Road,
Lichi Gachhi, Ward No.19, P.S. - Town, District - Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar S.K., Advocate
For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

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

ORAL ORDER

2 06-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
N.D.P.S. Case No. 196 of 2023 arising out of Town P.S. case
No. 845 of 2023 instituted for the offences under Sections 414
of the Indian Penal Code and 8(c), 21(b) of the N.D.P.S. Act.

3. Prosecution case, in short, is that total 7.038 grams
of smack has been recovered in this case out of which 5.381
grams was recovered from this petitioner.

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 14.10.2023 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 N.D.P.S. Case No. 196 of 2023 arising out of Town P.S. case No. 845 of 2023.

(Rudra Prakash Mishra, J)

Alok Verma/-

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