

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13334 of 2024

Arising Out of PS. Case No.-17 Year-2023 Thana- GANDHIMAIDAN District- Patna

Gaurav Nandan @ Monu son of Radhaswami Village- Gewan Bigha Ps-
Police Line Gaya Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aryan Singh, Adv.

For the Opposite Party/s : Mr.Kumar Veerendra Narayan, APP

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

ORAL ORDER

2 04-03-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail in connection with

Special N.D.P.S. Case No. 54 of 2023 arising out of Gandhi

Maidan P.S. Case No. 17 of 2023 instituted for the offences

under Sections 8/17(b)/18(c)/29 of the N.D.P.S. Act.

3. As per prosecution case, the police has recovered

total 01.800 Kilograms opium from the plastic jar of the

petitioner.

4. Learned counsel for the petitioner submits that

the petitioner is innocent and has committed no offence as

alleged against him and has falsely been implicated in the



present case. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner rather the entire recovery has been made from the road-side of Gate No.7 of Gandhi Maidan. The petitioner has no concern with the seized opium. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present bail application. There is non-compliance of Section 100 of the Cr.P.C. The quantity of Ganja recovered is less than the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is also no compliance of Section 42 and 50 of the N.D.P.S. Act. The petitioner is languishing in judicial custody since 10.01.2023. Charge-sheet has been submitted in this case.

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

6. Considering the entire facts and circumstances of the case and taking into account the period of custody of the petitioner as also the petitioner having no criminal antecedent, let the petitioner, abovenamed, 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
N.D.P.S. Case No. 54 of 2023 arising out of Gandhi Maidan
P.S. Case No. 17 of 2023.

(Rudra Prakash Mishra, J)

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