

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19085 of 2024

Arising Out of PS. Case No.-856 Year-2023 Thana- RUPASPUR District- Patna

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Vinod Bind Son of Late Rama Bind Resident of Digha Bind Toli, P.S.- Digha,
at Present Tes Lal Verma Nagar, P.S.- Rupaspur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner : Mr. Mohammad Minnatullah, Advocate
For the State : Mr. Uday Pratap Singh, APP

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

ORAL ORDER

2 15-03-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Rupaspur P.S. Case No. 856 of 2023, instituted for the offences
under Sections 8(c) & 21(b) of the NDPS Act.

3. As per the prosecution case, there is recovery of
11.57 grams of 'brown sugar' like substance from possession of
the petitioner.

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 has no concern with the alleged recovery. 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 17-10-2023, 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, fact that recovered article is less than 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 Rupaspur P.S. Case No. 856 of 2023.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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