

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16785 of 2024

Arising Out of PS. Case No.-728 Year-2023 Thana- NARPATGANJ District- Araria

KAILASH KHATRI SON OF LOK BAHADUR KHATRI RESIDENT OF
VILLAGE - RAMECHHAP, POLICE STATION - JANAKPUR, DISTRICT -
RAMECHHAP MANTHALI (NEPAL)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana

For the Opposite Party/s : Mr.Ram Bilash Roy Raman

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

ORAL ORDER

2 13-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Narpatganj P.S. case No. 728 of 2023 instituted for the offences
under Sections 21(c), 22, 23 of the N.D.P.S. Act.

3. Prosecution case, in short, is that 12 gram brown
sugar 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 14.12.2023 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 just above the small quantity and far 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 Narpatganj P.S. case No. 728 of 2023.

(Rudra Prakash Mishra, J)

Alok Verma/-

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