

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19734 of 2024

Arising Out of PS. Case No.-117 Year-2023 Thana- GAYA RAIL P.S. District- Gaya

Bhushan Yadav S/o- Amar Yadav @ Amar Jadub Mohalla- Purbi Karghiya ITI
Betiya, P.S.- Mofassil, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Adv.

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

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

ORAL ORDER

2 18-03-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail in connection with Rail
Gaya P.S. Case No. 117 of 2023 instituted for the offences
under Sections 8/20(b)(ii)(B) of N.D.P.S. Act.

3. As per prosecution case, the police, on receipt of
secret information, recovered total 13 Kg. of *Ganja* from the
possession of the petitioner at the Platform No.1 of Gaya
Railway Station.

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 on the basis of suspicion. The petitioner was just a normal passenger travelling in the train. He further submits that the quantity of alleged Ganja 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 no compliance of Section 42 and 50 of the N.D.P.S. Act. Nothing has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the seized Ganja. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 17.04.2023.

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

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and 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 Rail Gaya
P.S. Case No. 117 of 2023.

(Rudra Prakash Mishra, J)

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