

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19441 of 2024

Arising Out of PS. Case No.-553 Year-2023 Thana- RAXAUL District- East Champaran

Sanjay Kumar S/o Nathuni Sah Kalwar @ Nathuni Sah R/o Village -
Bishrampur, Ward No. 9, Vaishali, P.S. - Pokhariya, District - Parsa (Nepal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Bharti, Advocate

For the Opposite Party/s : Mr.Bharat Bhushan, 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 Raxaul (Haraiya) P.S.
case No. 553 of 2023 (NDPS GR Case No. 101 of 2023)
instituted for the offences under Sections 8, 20(b) (ii)(B) and
23(b) of the N.D.P.S. Act.

3. Prosecution allegation, in short, is that the 1.5 kg
ganja was recovered in this case.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. The petitioner is in custody since 19.12.2023 and
has got no criminal antecedent. Charge-sheet has been
submitted in this case. No incriminating material has been



recovered from the conscious possession of the petitioner. 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. 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, the period of custody undergone by the petitioner and the fact that recovered contraband is below the commercial quantity, 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 Raxaul (Haraiya) P.S. case No. 553 of 2023 (NDPS GR Case No. 101 of 2023).

(Rudra Prakash Mishra, J)

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