

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22595 of 2024

Arising Out of PS. Case No.-71 Year-2023 Thana- KANGLI District- West Champaran

Dheeraj Kumar @ Dhiraj Kumar S/o Prabhu Mahato R/o vill - Kangali, P.O. -
Kathia, Mathia, P.s. - Kangali, Distt. - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Bimlesh Kumar Pandey, Advocate
	:	Mr.Krishnakant Pandey, Advocate
	:	Mr.Amit Kumar Pandey, Advocate
For the Opposite Party/s	:	Mr.Binod Kumar No.3, APP

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

ORAL ORDER

2 02-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Kangali
P.S. case No. 71 of 2023 instituted for the offences under
Sections 8/20(b)(ii)(c)/23(c) of the N.D.P.S. Act.

3. Prosecution case, in short, is that 500 grams of
opium like substance has been recovered in this case.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.
Petitioner is in custody since 16.12.2023 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, the recovered contraband being below 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 Kangali P.S. case No. 71 of 2023.

(Rudra Prakash Mishra, J)

Alok Verma/-

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