

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20286 of 2024

Arising Out of PS. Case No.-873 Year-2023 Thana- GARDANIBAG District- Patna

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Raja Kumar Son of Devendra Rai Resident of Nathupur, P.S.-Fatuha, Distt.-
Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ghanshyam Tiwary, Advocate

For the Opposite Party/s : Mr.Dr. Ajeet Kumar, APP

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

ORAL ORDER

3 07-05-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. Earlier vide order dated 02.04.2024, case diary,
antecedent report along with chemical analysis report have
been called for. The case diary and antecedent report have been
received but the chemical report has not been received as yet.

3. The petitioner seeks bail in Gardanibagh P.S. case
No. 873 of 2023 instituted for the offences under Sections 8(C)
and 21(A) of the N.D.P.S. Act.

4. Prosecution allegation, in short, is that the 5.5 gram
smack and Rs. 3,500/- have been recovered on a raid conducted
by the police.

5. 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 01.01.2024 one criminal antecedent in which he is on bail. 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.

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

7. Considering the aforesaid facts and circumstances of the case, the period of custody undergone by the petitioner and the recovered contraband below commercial quantity, this Court is inclined to grant bail to the petitioner.

8. 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 Gardanibagh P.S. case No. 873 of 2023 subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.



(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Pankaj/-

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