

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21483 of 2024

Arising Out of PS. Case No.-1260 Year-2023 Thana- DANAPUR District- Patna

Rohit Kumar Rai S/o Sanjay Rai R/o Sultanpur Near Dhobiniya Bridge, ward
no. 17, P.S. - Danapur, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Md. Ataur Rahman, APP

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

ORAL ORDER

3 10-04-2024 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in Danapur P.S. Case No.
1260 of 2023, instituted for the offences punishable under
Section 21(b) of the NDPS Act.

3. The prosecution case, in short, is that, total 3.00
grams of brown sugar like substance was recovered from the
possession of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present 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. The petitioner is in custody since 23.09.2023 and has got no criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted bail by this Court vide order dated 15.02.2024 passed in Cr. Misc. No. 6405 of 2024.

5. Learned APP 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 and taking into account 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Danapur P.S. Case No. 1260 of 2023.

(Rudra Prakash Mishra, J)

Rajorshi/-

U		T	
---	--	---	--

