

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19324 of 2024

Arising Out of PS. Case No.-603 Year-2023 Thana- GOPALPUR District- Bhagalpur

Bambam Kumar S/o Kesho Singh R/o Village - Harnathchak, P.S. - Gopalpur,
Dist. - Bhagalpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Manoj Kumar Jha, Advocate
For the State : Mr. Ajay Kumar Jha, 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
Gopalpur (Rangra) PS Case No. 603 of 2023 instituted for the
offences under Sections 21(c) & 22 of the NDPS Act.

3. As per prosecution case, there is recovery of total
94.54 grams of 'brown sugar' like substance from the co-
accused persons including the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. Charge-sheet been submitted in this case. No
incriminating material has been recovered from the conscious
possession of the petitioner. Learned counsel for the petitioner



further submits 6.86 grams of brown sugar has been recovered from the 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 09-12-2023 and has got no criminal antecedent. 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, recovery 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 Gopalpur (Rangra) PS Case No. 603 of 2023.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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