

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20695 of 2024

Arising Out of PS. Case No.-1155 Year-2023 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Animesh Kumar @ Jhonson S/o Late Ajit Kumar @ Late Ajit Kumar Verma
R/o Village- Kharmanchak, P.S.- Adampur, Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Davendra Kumar Pandey, Advocate
For the State : Mr. Md. Ataur Rahman, APP

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

ORAL ORDER

2 20-03-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Kotwali (Jogasar) PS Case No. 1155 of 2023 instituted for the
offences under Sections 21(B) & 22 of the NDPS Act.

3. As per the prosecution case, there is recovery of
115 grams 'brown sugar' like substance from the house of 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 that petitioner has no concern with the alleged



recovered contraband. It is submitted that the house from which the recovery is made does not belong to 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 02-12-2023 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, clean antecedent of the petitioner, charge sheet being submitted, 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 Kotwali (Jogasar) PS Case No. 1155 of 2023.

(Rudra Prakash Mishra, J)

Raj kishore/-

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