

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27056 of 2024

Arising Out of PS. Case No.-776 Year-2023 Thana- MOHANIYA District- Kaimur (Bhabua)

Munni Dom S/o Late Harilal Dom R/o vill - Barej, P.S. - Mohania, Distt - Kaimur at Bhabua

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bhasker Yadav Not Given Assistant Sub Inspector Mohania Police Station, Distt. - Kaimur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashutosh Tripathy

For the Opposite Party/s : Mr.Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 09-04-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Mohaniya P.S. Case No. 776 of 2023 instituted for the offences punishable under Sections 8(c) and 21(a) of the N.D.P.S. Act.

3. As per prosecution case, there has been recovery of 1.44 Gm of *Heroine* like substance from the possession of the petitioner.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Charge-sheet has been submitted in this case. The recovered contraband is below the commercial quantity. Hence Section 37



of the N.D.P.S. Act is not applicable in this present case. The petitioner is in custody since 05.11.2023 and has no criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

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, the recovered contraband being below the commercial quantity as well as 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 Mohaniya P.S. Case No. 776 of 2023.

(Rudra Prakash Mishra, J)

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