

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.22771 of 2024**

Arising Out of PS. Case No.-229 Year-2023 Thana- MEHANDIGANJ District- Patna

Babloo Kumar S/o Sri Basu Rai R/o vill - Ranipur, Ganjpar, Nichali Gali, P.S.  
- Mehandiganj, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Vijay Kumar Sinha, Advocate

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

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

ORAL ORDER

2      22-03-2024                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner seeks bail in connection with  
Mehandiganj P.S. case No. 229 of 2023 instituted for the  
offences under Sections 8(c), 20(b)(ii)(B), 22 of the N.D.P.S.  
Act and Section 30(a) of the Bihar Prohibition and Excise Act.

3. Prosecution case, in short, is that 2.88 litres illicit  
liquor, 10.6 kg *ganja*, weighing machine, etc. were recovered  
from the house of the co-accused Rajiv Kumar.



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. Petitioner is in custody since 06.12.2023 and has no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. No incriminating material has been recovered from the conscious possession of the petitioner. Similarly situated co-accused person has already been granted bail by this Court vide order dated 20.03.2024 passed in Cr. Misc. No. 22150 of 2024. The recovered contraband is below commercial quantity, and hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Section 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 as also 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 Mehandiganj P.S.  
case No. 229 of 2023.

**(Rudra Prakash Mishra, J)**

Alok Verma/-

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