

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20979 of 2024

Arising Out of PS. Case No.-292 Year-2023 Thana- KURSAKANTA District- Araria

Jay Ram Sah @ Jai Ram Sah S/o Late Rajendra Sah R/o Village- Bauka
MajraKh, Ward No. 1, P.S.- Sikti, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhav Jha, Advocate

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

**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 Kursakanta (Kuwari
O.P.) P.S. case No. 292 of 2023 instituted for the offences under
Sections 8(c), 21(b) of the N.D.P.S. Act.

3. Prosecution allegation, in short, is that 15 gram
smack like substance was recovered by the police.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. The name of the petitioner has transpired merely
on the basis of suspicion. The petitioner has got no concern with
the recovered contraband. The petitioner is in custody since
22.12.2023 and has got no criminal antecedent. Charge-sheet



has been submitted in this 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. 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, the period of custody undergone by the petitioner and the recovered contraband below commercial quantity, 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 Kursakanta (Kuwari O.P.) P.S. case No. 292 of 2023.

(Rudra Prakash Mishra, J)

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