

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22315 of 2024

Arising Out of PS. Case No.-546 Year-2023 Thana- PURNEA SADAR District- Purnia

Sushil Kumar son of Late Arjun Sah Belouri ward no 42 Ps- Sadar Muffasil District-Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 01-04-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Sadar (Muffasil) P.S. Case No. 546 of 2023 giving rise to Special Case No. 70 of 2023 instituted for the offences under Sections 8(c)/21(b) of the N.D.P.S. Act.

3. As per prosecution case, the police has recovered total 7.5 gram *Brown Smack* along with a mobile from the possession of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the



present case due to village politics. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the seized contraband. The quantity of Smack recovered is less than 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 Section 42 and 50 of the N.D.P.S. Act. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 17.06.2023 and charge-sheet has been submitted in this case.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner stating that the police has recovered 7.5 gram Smack from the possession of the petitioner and, thus, he does not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent,



let the petitioner, abovenamed, 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 Sadar
(Muffasil) P.S. Case No. 546 of 2023 giving rise to Special
Case No. 70 of 2023.

(Rudra Prakash Mishra, J)

rishi/-

U		T	
---	--	---	--

