

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22242 of 2024

Arising Out of PS. Case No.-214 Year-2023 Thana- MITHANPURA District- Muzaffarpur

Vipul Kumar @ Kalu Son of Bhola Sah Resident of Village- Kanhauli
Leprosy Mission Chowk, Saraswati Colony, P.S.- Mithanpura, District-
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Bela Singh

For the Opposite Party/s : Mr.Satyendra Narayan Singh

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

ORAL ORDER

3 08-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. Office has reported that case diary has been
received but the chemical analysis report has not been received.

2. The petitioner seeks bail in Mithanpura P.S. case
No. 214 of 2023, NDPS Case No. 134/23 instituted for the
offences under Sections 8, 8C, 20(b), 21(b)(ii)(A) of the
N.D.P.S. Act.

3. Prosecution allegation, in short, is that the 8 grams
smack and 14 grams of ganja was recovered in this case.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. The petitioner is in custody since 19.05.2023 and



has got one criminal antecedent but not of N.D.P.S. Act. No incriminating material has been recovered from the conscious possession of the petitioner. The petitioner has got no concern with recovered contraband. 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, 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 Mithanpura P.S. case No. 214 of 2023, NDPS Case No. 134/23.

(Rudra Prakash Mishra, J)

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