

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23089 of 2024

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

Rajeev Kumar S/o- Late Panchanand Rai Vill- Ranipur Nichali Gali, Ps-
Mehadiganj, Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Mishra, Advocate

For the Opposite Party/s : Ms.Renu Kumari, APP

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

ORAL ORDER

2 22-03-2024 Heard Mr.Ashok Kumar Mishra , learned counsel
for the petitioner and Ms. Renu Kumari, 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 this 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. 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. 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)

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