

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31146 of 2024

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

Bablu Kumar S/o- Bhagwan Singh Vill- Khilwat, Ps-Bidupur, Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Mishra

For the Opposite Party/s : Ms.Suman Kumari Singh

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

ORAL ORDER

2 26-04-2024 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 punishable 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. As per prosecution case, in short, is that 2.88 liters of illicit liquor, 10.6 Kg *Ganja* and a weighing machine were recovered from the house of 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. No incriminating article has been recovered from the conscious possession of the



petitioner and he has no concern with the alleged recovery. The recovered contraband is below the commercial quantity. Hence Section 37 of the N.D.P.S. Act is not applicable in this present case. He further submitted that the other co-accused has already been granted bail by this Court vide order dated 22.03.2024 passed in Cr. Misc. No. 22771 of 2024. The petitioner is in custody since 06.12.2023 and has no criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

5. Learned APP 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 recovered contraband being below the commercial quantity, the period of custody undergone by the petitioner and the claim based on parity, 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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