

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.22150 of 2024**

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

Rohit Kumar Son of Kedar Prasad Resident of Nun Ka Churaha, Mugalpura,  
Barakal Kha Akhara, Police Station - Khajekala, District - 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 : Mr. Suman Kumari Singh, 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 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. The prosecution case, in short, is that, 2.88 liters liquor, 10.6 kg ganja, weighing machine, etc. was recovered from the house of co-accused Rajiv Kumar. The petitioner was apprehended on spot.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. No



incriminating material has been recovered from the conscious possession of the petitioner. The petitioner has got no concern with the alleged recovery of liquor. It is further submitted that the petitioner is not the owner of the house. The petitioner is in custody since 06.12.2023 and has got one criminal antecedent in which the petitioner is on bail. It is submitted that the alleged recovery of ganja is less than the prescribed limit of commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in this case. There is no compliance of Section 42 and 50 of the N.D.P.S. Act. There is no compliance of Section 100 of Cr.P.C.

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 and 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/- (Rupees 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, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.



(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

**(Rudra Prakash Mishra, J)**

Rajorshi/-

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