

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29038 of 2024

Arising Out of PS. Case No.-559 Year-2023 Thana- RAXAUL District- East Champaran

Laxman Sah @ Laxman Prasad @ Laxuman Sah Son of Gauri Sah Resident
of Village- Narkatiya Bazar, P.S.- Darpa, District- East Champaran, Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr.Narendra Kumar Singh, APP

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

ORAL ORDER

2 29-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Raxual (Haraya) P.S.
case No. 559 of 2023, N.D.P.S. G.R. Case No. 108 of 2023
instituted for the offences under Sections 8, 20(b)(ii)(B) and
23(b) of the N.D.P.S. Act.

3. Prosecution allegation, in short, is that the 1.5 kg
ganja and two mobile phones have been recovered out of which
one mobile was recovered from the petitioner.

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 31.12.2023 and
has got no criminal antecedent. Charge-sheet has been
submitted in this case. No incriminating material has been



recovered from the conscious possession of the petitioner. The contraband has been recovered from the possession of co-accused Subodh Patel and the petitioner has been implicated only on the basis of suspicion. 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 Raxual (Haraya) P.S. case No. 559 of 2023, N.D.P.S. G.R. Case No. 108 of 2023.

(Rudra Prakash Mishra, J)

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