

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23776 of 2024

Arising Out of PS. Case No.-193 Year-2023 Thana- BIRPUR District- Supaul

Nunu Lal Mehta Son of Ram Krishna Mehta Resident of Village- Ratanpura,
Ward No. 9, P.S.- Ratanpura, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra, Advocate

For the Opposite Party/s : Mr.Md. Aslam Ansari, 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 N.D.P.S. Case No. 35 of
2023 arising out of Birpur P.S. case No. 193 of 2023 instituted
for the offences under Sections 8, 20(b)(ii)(B) of N.D.P.S. Act.

3. Prosecution allegation, in short, is that on search,
the police seized 6 kg 362 gram ganja like substance from the
bag along with one motorcycle.

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 20.06.2023 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 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. Co-accused has been granted bail by a Coordinate Bench of this Court vide order dated 12.03.2024 passed in Cr. Misc. No. 12433 of 2024.

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, claim based on parity and the clean antecedent of 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 N.D.P.S. Case No. 35 of 2023 arising out of Birpur P.S. case No. 193 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)

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