

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23017 of 2024

Arising Out of PS. Case No.-402 Year-2023 Thana- MUZFFARPUR GRP CASE District-
Muzaffarpur

Md. Raja @ Thapa S/o Nadim @ Md. Naim R/o Mohalla - Maripur Power
House Chowk, ward no. 09, P.S. - Kazimohamadpur, Distt. - Muzaffarpur
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pandey, Advocate
For the State : Mr. Shailendra Kumar Singh, APP

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

ORAL ORDER

2 08-04-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Muzaffarpur Rail P.S. Case No. 402 of 2023 instituted for the
offence under Section 401 of the Indian Penal Code and
Sections 20 & 22 of the NDPS Act.

3. Prosecution case in short is that police on the secret
information apprehended the petitioner from railway track and
on search 16 tablets Ativan, each weighing 2 mg were recovered
from his possession.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 24-11-2023. Petitioner
bears two criminal antecedents, as per disclosure made in
paragraph No. 3 of the bail application.



5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Petitioner has no concern with the alleged recovery. The recovered contraband is below the commercial quantity. Hence, Section 37 of the NDPS is not applicable in this case. There is no compliance of Section 42 and 50 of the NDPS Act. It is lastly submitted that charge sheet has already been submitted in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, recovery below commercial quantity and charge sheet being submitted, this Court is inclined to grant bail to the petitioner.

8. 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 Muzaffarpur Rail P.S. Case No. 402 of 2023.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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