

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25179 of 2024

Arising Out of PS. Case No.-304 Year-2023 Thana- JOGBANI District- Araria

Deepak Kumar Yadav @ Bhalta Yadav @ Deepak Yadav S/O Late Haruni
Yadav R/O Indranagar, Ward No. 4, P.S- Jogbani, Distt.- Araria.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dheeraj Kumar, Advocate

For the Opposite Party/s : Mr.Anand Kishore Choudhary, APP

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

ORAL ORDER

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

2. The petitioner seeks bail in Jogbani P.S. case No.
304 of 2023 instituted for the offences under Sections 17, 21
and 22 of the N.D.P.S. Act.

3. Prosecution allegation, in short, is that the 19.46
gram smack has been recovered in this case out of which 8.53
gram smack has been recovered from the house of 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 20.01.2024 and
has got six criminal antecedents in which he is on bail. Charge-
sheet has been submitted in this case. At the time of seizure,



the petitioner was not present at the spot. 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.

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 Jogbani P.S. case No. 304 of 2023.

(Rudra Prakash Mishra, J)

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