

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26047 of 2024

Arising Out of PS. Case No.-803 Year-2023 Thana- DHANARUA District- Patna

Binod Kumar @ Vinod Kumar Son Of Late Krishn Nandan Sharma Resident
Of Neema, P.S. - Dhanarua, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Jiban Pd. Singh, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

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

ORAL ORDER

2 05-04-2024 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in connection with Special
Case No. 270 of 2023, arising out of Dhanaura P.S. Case No.
803 of 2023, instituted for the offences punishable under
Sections 399, 402 of the Indian Penal Code, Sections 25(1-B)
(a), 26, 27, 35 of the Arms Act, Sections 8(c) and 21(a) of the
N.D.P.S. Act.

3. The prosecution case, in short, is that, 1.500 grams
of brown sugar was recovered from the possession of the
petitioner and altogether 10.69 grams of brown sugar along with
other incriminating articles were recovered from the possession
of all the accused persons.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. No incriminating material has been recovered from the conscious possession of the petitioner. It is further submitted that due to previous altercation, the petitioner has falsely been arrested in this case. The recovered contraband is below the small quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. The petitioner is in custody since 26.12.2023 and has got no criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted bail by this Court vide order dated 19.03.2024 passed in Cr. Misc. No. 20320 of 2024.

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, clean antecedent, claim based on parity and taking into account 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 Special Case No.
270 of 2023, arising out of Dhanaura P.S. Case No. 803 of 2023.

(Rudra Prakash Mishra, J)

Rajorshi/-

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