

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25416 of 2024

Arising Out of PS. Case No.-564 Year-2023 Thana- KHAJEKALA District- Patna

Md. Kaish @ Fenku Son of Navi Hassan @ Abdul Hassan Miya R/o Suee ki Masjid, Naudhal, P.S.- Khajekala, Dist.- Patna

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nityanand Kumar

For the Opposite Party/s : Mr.Anita Kumari

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 Khajekala P.S. Case No. 564 of 2023 instituted for the offences under Sections 20(b)(ii)(A) of the NDPS Act.

3. As per prosecution case, there is recovery of 5.600 gram smack from co-accused, namely, Kundan Kumar and he confessed that he has purchased the same from the petitioner.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case merely on the basis of confessional statement of co-accused, namely, Kundan Kumar. The petitioner has no concern with the alleged recovery. Nothing incriminating article has been recovered from



the conscious possession of the petitioner. He is languishing in judicial custody since 21.01.2024 and has one criminal antecedent. 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, judicial custody undergone by the petitioner and the recovered contraband being below the commercial quantity, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail after 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 Khajekala P.S. Case No. 564 of 2023.

(Rudra Prakash Mishra, J)

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