

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24130 of 2024

Arising Out of PS. Case No.-33 Year-2024 Thana- KHAJEKALA District- Patna

Kundan Kumar Son Of Late Md. Late Surendra Manjhi Resident Of Village-
Lohanipur Railway Hunter Road, Ps- Kadamkuan, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, 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
Khajekalan P.S. Case No. 33 of 2024 instituted for the offence
under Sections 20(b)(ii)(A) of the NDPS Act.

3. As per the prosecution case, there is recovery of
smack like substance in 44 sachets containing 1.44 grams each
and altogether 5.280 grams from the possession of the accused
persons including the petitioner.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 19-01-2024. Petitioner is
stated to be man of clean antecedent.

5. It has been further submitted by the petitioner's
counsel that petitioner has been falsely implicated in the present



case. It is submitted that petitioner has no concern with the alleged recovered contraband. 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. 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, clean antecedent of the petitioner 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 Khajekalan P.S. Case No. 33 of 2024.

(Rudra Prakash Mishra, J)

Raj kishore/-

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