

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11487 of 2024

Arising Out of PS. Case No.-329 Year-2023 Thana- ADAPUR District- East Champaran

Tabrej Alam Son of Nayamudin R/O-Laxmipur, P.S.-Raxaul, Distt.-East
Champaran, Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

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

ORAL ORDER

2 23-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Adapur
P.S. case No. 329 of 2023 instituted for the offences under
Sections 8/20(b)(ii)(c) of the N.D.P.S. Act.

3. Prosecution allegation, in short, is that total 131
gram morphine kept in two plastic pockets was recovered from
this petitioner.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.
Learned counsel further submitted that the recovered contraband
is below commercial quantity as per N.D.P.S. Act, hence,
Section 37 of the N.D.P.S. Act is not applicable in this case.



Learned counsel further submitted that there is no compliance of Section 42 and 50 of the N.D.P.S. Act. It has been submitted on behalf of the petitioner that the petitioner is in custody since 08.11.2023 and has no criminal antecedent.

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, clean criminal antecedent as also 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/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Adapur P.S. case No. 329 of 2023.

(Rudra Prakash Mishra, J)

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