

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24192 of 2024

Arising Out of PS. Case No.-11 Year-2024 Thana- KUNDWACHAINPUR District- East
Champaran

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Nitesh Kumar Son Of Shatrudhan Dubey @ Shatrughan Kumar Resident Of
Village And P.O. - Barharwa Phateh Muhammad, P.S. - Kundwa Chainpur,
District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

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**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 connection with
Kundwa Chainpur PS Case No. 11 of 2024 instituted for the
offences under Sections 414 & 34 of the IPC and Sections 8,
20(b)(ii)B of the NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of 1.900 Kgs of ganja from the possession of the
petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. Charge-sheet been submitted in this case. No
incriminating material has been recovered from the conscious



possession of the petitioner. Learned counsel for the petitioner further submits 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. The petitioner is in custody since 20-01-2024 and has got no criminal antecedent. 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, clean antecedent of the petitioner, recovery being below commercial quantity and 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 Kundwa Chainpur PS Case No. 11 of 2024.

(Rudra Prakash Mishra, J)

Raj kishore/-

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