

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25594 of 2024

Arising Out of PS. Case No.-300 Year-2023 Thana- AMNAUR District- Saran

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Santosh Kumar @ Musha Son of Bhola Ram Resident of Village- Basantpur
Bangala, Police Station- Amnaur, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Vishesh Kumar Singh
For the Opposite Party/s	:	Mr.Shyameshwar Dayal

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**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
Amnaur P.S. Case No. 300 of 2023 instituted for the offences
under Section 8, 20(b)(II)(B), 25 of the NDPS Act.

3. As per prosecution case, there is recovery of 6.8 kg
ganja from the hut of the petitioner.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case. 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 03.12.2023, 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. Charge-sheet has been submitted in this case.

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, charge-sheet being submitted 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 Amnaur P.S. Case No. 300 of 2023.

(Rudra Prakash Mishra, J)

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