

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24667 of 2024

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

Sanjeet Kumar Rai son of Gorakh Rai Village- Mahesh Chapra Ps- maker
Dist- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Advocate
For the Opposite Party/s : Mr. Yogendra Kumar, APP

**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 Amnour P.S. Case No. 300 of 2023 (N.D.P.S. Case No. 11 of 2024), instituted for the offences punishable under Sections 8, 20(b)(ii)(B) and 25 of the N.D.P.S. Act.

3. The prosecution case, in short, is that, 6.8 kg ganja was recovered from the *veranda* of Santosh Kumar and two persons were apprehended on spot.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. The petitioner has no concern with the alleged recovery. No incriminating material has been recovered from the conscious possession of the petitioner. It is further submitted that the



veranda does not belong to the petitioner. Name of the petitioner has transpired on the basis of his self confession made before the police which has no evidentiary value. The petitioner is languishing in judicial custody since 03.12.2023 and has got 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 Section 42 and 50 of the N.D.P.S. Act.

5. Learned APP 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, the recovered contraband being below the 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Amnour P.S. Case No. 300 of 2023 (N.D.P.S. Case No. 11 of 2024).

(Rudra Prakash Mishra, J)

Rajorshi/-

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