

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25181 of 2024

Arising Out of PS. Case No.-266 Year-2023 Thana- BIHIA District- Bhojpur

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Krishnakant Ojha @ Krishna Kant Ojha @ Krishna Kumar Ojha Son Of Late
Kashi Nath Ojha @ Late Kashinath Ojha Resident Of Village - Sandaur, P.S. -
Bihiya, District - Bhojpur

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Diwakar, Advocate
For the Opposite Party/s : Mr.Rajesh Kumar, 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 Bihiya P.S. case No.
266 of 2023 instituted for the offences under Sections 8(c) and
20b(ii)B of the N.D.P.S. Act.

3. Prosecution allegation, in short, is that the 12 kg
ganja like substance along with mobile has been recovered.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. The petitioner is in custody since 26.10.2023 and
has got no criminal antecedent. Charge-sheet has been
submitted in this case. No incriminating material has been
recovered from the conscious possession of the petitioner. The



petitioner has got no concern with the alleged occurrence and he was just a passerby. 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.

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, the period of custody undergone by the petitioner and the recovered contraband below commercial quantity, 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 Bihiya P.S. case No. 266 of 2023.

(Rudra Prakash Mishra, J)

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