

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28177 of 2024

Arising Out of PS. Case No.-611 Year-2023 Thana- PATNA RAIL P.S. District- Patna

Suraj Kumar S/O Satya Narain Prasad R/O Mohalla- Postal Park, Chandmari Road, Pani Tanki, P.S- Kankarbagh, P.O- Lohiya Nagar, Kankarbagh Colony, Distt.- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Binay Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 18-04-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Special Case No. (NDPS) 197 of 2023, Patna Rail P.S. case No. 611 of 2023 instituted for the offences under Sections 379, 411, 414, 34 of Indian Penal Code and 8(c), 21(b) of the N.D.P.S. Act.

3. Prosecution case, in short, is that 6.120 grams of heroine has been recovered in this case.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Petitioner is in custody since 15.07.2023 and has no criminal antecedent. There is no allegation of tampering of witnesses alleged against the



petitioner. No incriminating material has been recovered from the conscious possession of the petitioner. The recovered contraband is just above the small quantity and far below the commercial quantity, and 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 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, recovered contraband being less than commercial quantity, clean 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 Special Case No. (NDPS) 197 of 2023, Patna Rail P.S. case No. 611 of 2023.

(Rudra Prakash Mishra, J)

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