

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31718 of 2024

Arising Out of PS. Case No.-179 Year-2023 Thana- GAYA RAIL P.S. District- Gaya

Sarju Kumar @ Saryu Kumar @ Saryug Kumar S/O Naresh Yadav R/O -
VIII. - Chukru, Block, P.O and P.S - Lawalong, Distt. - Chatra, State -
Jharkhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aryan Singh

For the Opposite Party/s : Mr.Raj Ballabh Singh

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 26-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Gaya
Rail P.S. Case No. 179 of 2023 instituted for the offences
punishable under Sections 8, 17(c), 18(c) of the N.D.P.S. Act.

3. As per prosecution case, total 645 gm of opium was
recovered from the possession of the petitioner.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case. No
incriminating article has been recovered from the conscious
possession of the petitioner rather recovery is made from an
open place near Shiv Temple. Even though the alleged
recovered quantity is much below the commercial quantity.



Hence, Section 37 of the NDPS Act is not applicable in the instant case. There is no compliance of Sections 42 and 50 of the NDPS Act. Charge-sheet has been submitted in this case. He further submitted that the other co-accused has already been granted bail by this Court vide order dated 26.02.2024 passed in Cr. Misc. No. 11849 of 2024. The petitioner is in custody since 20.06.2023 and has no criminal antecedent.

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, clean antecedent of the petitioner, recovered quantity comes below the commercial quantity, the period of custody undergone by the petitioner and the claim based on parity 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 Gaya Rail P.S. Case No. 179 of 2023.

(Rudra Prakash Mishra, J)

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