

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25850 of 2024

Arising Out of PS. Case No.-744 Year-2023 Thana- RAMKRISHNANAGAR District- Patna

Niranjan Yadav Son of late Chhatu Prasad @ Chhathu Prasad Resident of
Nandlal Chapra, P.S.-Ramkrishna Nagar, Distt.-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Vaishnavi Singh, Advocate

For the Opposite Party/s : Mr.Awadhesh Kumar Singh, 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. Learned counsel for the petitioner is permitted to
file supplementary affidavit during course of the day, the same
be kept on record.

3. The petitioner seeks bail in connection with
Ramkrishna Nagar P.S. case No. 744 of 2023 instituted for the
offences under Sections 8, 20(b)(ii), (B), 25, 29 of the N.D.P.S.
Act and Section 30(a) of the Bihar Prohibition and Excise Act
and 25(1-b)a, 26, 35 of the Arms Act.



4. Prosecution case, in short, is that 2.7 litres of illicit liquor and 6.3 Kg of *ganja* has been recovered in this case.

5. 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 06.01.2024 and has three criminal antecedents (as per supplementary affidavit). 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. Petitioner has got no concern with the alleged recovery. The co-accused person has already been granted bail by a Coordinate Bench of this Court vide order dated 13.02.2024 passed in Cr. Misc. No. 7480 of 2024. The recovered contraband is below 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. There is no compliance of Section 100 of the Cr.P.C.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, claim based on parity, contraband being below commercial quantity as also the period of custody undergone by



the petitioner, this Court is inclined to grant bail to the petitioner.

8. 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 Ramkrishna Nagar P.S. case No. 744 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Alok Verma/-

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