

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29027 of 2024

Arising Out of PS. Case No.-1 Year-2024 Thana- KHARIK District- Bhagalpur

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Sajan Kumar Sah @ Sajan Kumar S/O LATE TRIVENI SAH R/O
VILLAGE- GANESHPUR, WARD NO. 5, P.S- KHARIK, DISTT.-
BHAGALPUR.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Dr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

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

ORAL ORDER

2 29-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Kharik P.S. Case No. 1
of 2024 instituted for the offences under Sections 8, 20(b)(II)(B)
of the N.D.P.S Act, 1985.

3. Prosecution allegation, in short, is that on
information when police raided the house of the petitioner the
petitioner was arrested and on search 2 kg material like ganja
was recovered.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from
the conscious possession of the petitioner. Learned counsel for



the petitioner further submits that there is no compliance of Section 100 of the Cr.P.C. 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. The petitioner is in custody since 3.1.2024 and has got no criminal antecedent. 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 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/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kharik P.S. Case No. 1 of 2024.

(Rudra Prakash Mishra, J)

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