

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29928 of 2024

Arising Out of PS. Case No.-137 Year-2023 Thana- ISMAILPUR District- Bhagalpur

Krishna Kumar Son of Satrugan Mandal @ Shatrugan Mandal Resident of
Village- Kaji Kaoreya (Kagikauriya), P.S.- Kharik, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashutosh Kumar
For the Opposite Party/s : Mr.Dr. Ajeet Kumar

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

ORAL ORDER

2 22-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Ismailpur P.S. Case No. 137 of 2023 instituted for the offences
punishable under Sections 8, 20(b) (ii)(B) of the N.D.P.S. Act.

3. As per prosecution case, there has been recovery of
10 Kg of Ganja from the bag of the petitioner.

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. No incriminating article has been recovered from the conscious possession of the petitioner and he has no concern with the alleged recovery. The recovered contraband is below the commercial quantity. Hence Section 37 of the N.D.P.S. Act is not applicable in this present case. The petitioner is in custody since 30.11.2023 and has no criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

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, the recovered contraband being below the commercial quantity as well as 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 Ismailpur P.S. Case No. 137 of 2023, Subject to 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)

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