

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31737 of 2024

Arising Out of PS. Case No.-706 Year-2023 Thana- SIMRI BAKHTIYARPUR District-
Saharsa

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SUBHASH SINGH @ SUBHASH KUMAR SINGH S/O Late Baldev Prasad
Singh R/O Village- Shankarpur Ward No.-09, P.S- Simri Bakhtiyarpur (Balwa
Hat OP), Distt.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amarnath Jha
For the Opposite Party/s : Mr.Madhura Nand Jha

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

ORAL ORDER

2 25-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Simri
Bakhtiyarpur P.S. Case No. 706 of 2023 instituted for the offences
punishable under Section 8, 20(B) (ii)(B) of the N.D.P.S. Act.

3. As per prosecution case, there has been recovery of 3.5
Kg of Ganja from the possession of co-accused Raushan Kumar
and one motorcycle has been 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. Charge-
sheet has been submitted in this case. From reading the FIR, it
appears that incriminating article has been recovered from co-
accused Raushan Kumar rather no incriminating article has been



recovered from the conscious possession of the petitioner and the alleged motorcycle which was recovered belongs to the petitioner. The petitioner has no concern with the alleged recovery. It is further submitted that 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 31.12.2023 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 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 Simri Bakhtiyarpur P.S. Case No. 706 of 2023.

(Rudra Prakash Mishra, J)

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