

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.28343 of 2024**

Arising Out of PS. Case No.-162 Year-2023 Thana- KORMA District- Sheikhpura

Shivam Kumar S/o Mantun Kumar @ Mantu Kumar @ Mantun Singh @  
Mato Singh R/o vill - Chare, P.S. - Korma, Distt. - Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                |
|--------------------------|---|--------------------------------|
| For the Petitioner/s     | : | Mr.Ajay Kumar Thakur, Advocate |
|                          | : | Ms.Vaishnavi Singh, Advocate   |
|                          | : | Mr.Ritwik Thakur, Advocate     |
| For the Opposite Party/s | : | Mr.Nirmal Kumar Sinha, APP     |

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

ORAL ORDER

2      19-04-2024                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner seeks bail in connection with Korma  
P.S. case No. 162 of 2023 instituted for the offences under  
Sections 8, 20(b)(ii)(B), 25 of the N.D.P.S. Act.

3. Prosecution case, in short, is that 1.850 kg. *ganja*  
has been recovered in this case.

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. Petitioner is in  
custody since 31.12.2023 and has no criminal antecedent. 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. The recovered contraband is just above the small quantity and far below the 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.

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, clean antecedent as also 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 Korma P.S. case No. 162 of 2023.

**(Rudra Prakash Mishra, J)**

Alok Verma/-

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