

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30408 of 2024

Arising Out of PS. Case No.-38 Year-2024 Thana- NARPATGANJ District- Araria

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Bobi Chandravanshi @ Bobi S/o Sudheer Chandravansi R/o vill - Prakashpur,
P.S. - Prakashpur, Distt. - Sunsari (Nepal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Arvind Kumar Pandey, APP.84

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

ORAL ORDER

2 23-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Narpatganj (Basmatiya)
P.S. Case No. 38 of 2024, instituted for the offences under
Sections 21(c), 22(c) and 23 of the NDPS Act.

3. Prosecution allegation, in short, is that 1630
capsules (each containing 50 mg Tramadol Hydrochloride)
containing 81.5 gm Tramadol Hydrochloride has been recovered
from the bicycle of the petitioner and the petitioner was
apprehended on spot.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. Charge-sheet has been submitted in this case. No
incriminating material has been recovered from the conscious



possession of the petitioner. Learned counsel for the petitioner further submits that the petitioner was a passerby of that way and has been apprehended on the basis of suspicion. 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 16.01.2024 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 Narpatganj (Basmatiya) P.S. Case No. 38 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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