

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31185 of 2024

Arising Out of PS. Case No.-803 Year-2023 Thana- DHANARUA District- Patna

Santosh Kumar Sharma @ Santosh Kumar son of Vinay Sharma Village-
Neema PS-Dhanarua Distt- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Gaurav Kumar Verma
For the Opposite Party/s : Mr.Mukesh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 26-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Dhanarua P.S. Case No. 803 of 2023 instituted for the offences
punishable under Sections 399 and 402 of the IPC, Sections 8(c)
and 21(a) of the N.D.P.S. Act and Sections 25(1-B)a, 26, 27 and
35 of the Arms Act.

3. As per prosecution case, in short, is that a country-



made pistol, two live cartridges and 1.700 gm of Brown Sugar have 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. No incriminating articles have 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. He further submitted that the other co-accused has already been granted bail by this Court vide order dated 19.03.2024 passed in Cr. Misc. No. 20320 of 2024. The petitioner is in custody since 25.12.2023 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, the recovered contraband being below the commercial quantity, the period of custody undergone by the petitioner and claim based on parity, 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 Dhanarua P.S. Case No. 803 of 2023.

(Rudra Prakash Mishra, J)

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