

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30014 of 2024

Arising Out of PS. Case No.-1157 Year-2023 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Prince Anshu Son of Sanjeet Kumar Resident of village- Surkhikal Nandlal
Mishra Lane, Ward No. 24, P.S.- Barari, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar No.6
For the Opposite Party/s : Mr.Madhura Nand Jha

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**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
Bhagalpur Kotwali P.S. Case No. 1157 of 2023 instituted for the
offences punishable under Sections 21(a) and 22 of the N.D.P.S.
Act.

3. As per prosecution case, there has been recovery of
50.3 Gm of Brown Sugar from the possession of 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. Petitioner 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 03.12.2023 and has two criminal antecedents in which he is on bail. 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 **after framing of charge, if not already framed**, 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 Bhagalpur Kotwali P.S. Case No. 1157 of 2023.

(Rudra Prakash Mishra, J)

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