

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33356 of 2024

Arising Out of PS. Case No.-11 Year-2024 Thana- KUNDWACHAINPUR District- East
Champaran

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Vishnu Kumar S/O Gambhir Sah R/O Village- Barharwa Phatch Muhammad,
P.S- Kundwa Chainpur, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Abhay Kumar, APP

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

ORAL ORDER

2 10-05-2024 Heard learned counsel for the petitioner and learned

APP for the State. The Office has reported that the received

F.I.R. is faint.

2. The petitioner seeks bail in Kundwa Chainpur P.S.

Case No. 11 of 2024, instituted for the offences under Sections
414/34 of the Indian Penal Code, Sections 8 and 20(b)(ii)(b) of
the NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of 1.900 Kg of ganja from the possession of the co-
accused Nitesh Kumar along with one motorcycle. 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. No incriminating material has been recovered from the conscious possession of the petitioner. It is submitted that the seized motorcycle does not belong to petitioner. The petitioner was a passerby of that way and was arrested 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 20.01.2024 and has got no criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted bail by this Court vide order dated 04.04.2024 passed in Cr. Misc. No. 24192 of 2024.

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, 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 Kundwa Chainpur
P.S. Case No. 11 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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