

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30447 of 2024

Arising Out of PS. Case No.-89 Year-2024 Thana- LAHERIYASARAI District- Darbhanga

Gunjan Kumar Rai @ Gunjan Kumar Son Of Late Arjun Kumar Rai Resident
Of Village - Ekmighat, P.S. - Bahadurpur, District - Darbhanga

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saurav Anand, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

**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 Laheriasarai P.S. Case
No. 89 of 2024 (PTN G.O NDPS Case No. 81 of 2024),
instituted for the offences under Sections 8, 29 and 20(b)(ii)(c)
of the NDPS Act.

3. Prosecution allegation, in short, is that the 16.98 gm
brown sugar has been recovered from the pocket 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 made victim of police atrocities. 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 17.02.2024 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 Laheriasarai P.S. Case No. 89 of 2024 (PTN G.O NDPS Case No. 81 of 2024).

(Rudra Prakash Mishra, J)

Rajorshi/-

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