

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34190 of 2024

Arising Out of PS. Case No.-33 Year-2024 Thana- KHAJEKALA District- Patna

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1. Akash Kumar Son of Umesh Chaudhari Resident of mohalla - Gulzarbagh, Dadarmandi, Jhoperpatti, P.S.- Alamganj, District - Patna
 2. Rohit Kumar Son of Late Surendra Chaudhari Resident of village - Kurwa Bazar, P.S.- Islampur, District - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rudra Deo, Advocate
For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 02-05-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Special Case No. 16 of 2024, arising out of Khazekalan P.S. Case No. 33 of 2024, instituted for the offences under Sections 20(b)(ii) (A) of the NDPS Act.

3. Prosecution allegation, in short, is that, there is recovery of smack like substance in 44 sachets containing 1.44 grams each and altogether 5.280 grams from the possession of the accused persons including the petitioner.

4. Learned counsel for the petitioners submits that the



petitioners are innocent and have falsely been implicated in the present case. No incriminating material have been recovered from the conscious possession of the petitioners. It has been submitted that petitioners have no concern with the alleged recovered contraband. 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 petitioners are in custody since 20.01.2024 and have 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 08.04.2024 passed in Cr. Misc. No. 24130 of 2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

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 petitioners and claim based on parity, this Court is inclined to grant bail to the petitioners.

7. Let the petitioners be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court



below/concerned Court in connection with Special Case No. 16
of 2024, arising out of Khazekalan P.S. Case No. 33 of 2024.

(Rudra Prakash Mishra, J)

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