

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35899 of 2023

Arising Out of PS. Case No.-501 Year-2022 Thana- JOKIHAT District- Araria

Kamdev Kumar Son of Mohan Roy Village- Shampura Shyamchandra Ps-
Raghopur Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saroj Kumar Choudhary, Advocate

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

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

ORAL ORDER

3 23-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Special Case No. 33 of 2022, arising out of Jokihat P.S. Case No. 501 of 2022 instituted for the offences punishable under Sections 8, 20(b), 22, 25 and 29 of the N.D.P.S. Act.

3. The prosecution case, in short, is that, recovery of 15.06 Kgs. of ganja from a car and two persons were apprehended on spot.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. The petitioner has no concern with the alleged



recovery. No incriminating article has been recovered from the conscious possession of the petitioner. It is submitted that the petitioner was passer-by and on refusing to become a seizure list witness he has been made an accused in the present case. The petitioner is languishing in judicial custody from 26.09.2023 and has got no criminal antecedent as has been stated in paragraph no. 3 of the present bail application. It is submitted that the alleged recovery is less than the prescribed limit of commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in this case. There is no compliance of Section 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 a Co-ordinate Bench of this Court vide order dated 01.09.2023 passed in Cr. Misc. No. 50868 of 2023.

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, taking into account 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/- (Rupees Ten Thousand) with two



sureties of the like amount each to the satisfaction of Court
below/concerned Court in connection with Special Case No. 33
of 2022, arising out of Jokihat P.S. Case No. 501 of 2022.

(Rudra Prakash Mishra, J)

Rajorshi/-

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