

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36674 of 2024

Arising Out of PS. Case No.-142 Year-2024 Thana- PHULWARISHARIF District- Patna

Bittu Kumar Son of Pappu Saw Resident of Village- Khalilpur, P.S.-
Phulwarisharif, Dist.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
For the Petitioner/s : Mr. Dhaneshwar Prasad Gupta, Advocate
For the Opposite Party/s : Mr. Madhuri Lata, APP

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

ORAL ORDER

2 21-05-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Phulwarisharif P.S. Case No. 142 of 2024 instituted for the
offence under Section 8(c), 21(a) of the Indian Penal Code.

3. Prosecution case in short is that there is recovery of
two sachets containing 0.06 grams of smack was recovered from
his possession and total six sachets containing 0.18 grams of
smack was recovered from the possession of the three accused
persons.



4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 30-01-2024. Petitioner bears one criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner further submits that petitioner has no concern with the recovered contraband. The recovered contraband is below the small quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner and recovery below small quantity, this Court is inclined to grant bail to the petitioner.

8. 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
Phulwarisharif P.S. Case No. 142 of 2024.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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