

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32340 of 2024

Arising Out of PS. Case No.-72 Year-2024 Thana- GAYA KOTWALI District- Gaya

Bablu Kumar son of Janardan Prasad Moh- Samir Takiya Near House Of
Advocate Rajendra Babu Ps- Civil Lines Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Priya Ranjan, Advocate
Ms. Chandni Kumari, Advocate
For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

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

ORAL ORDER

2 30-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Kotwali P.S. Case No.
72 of 2024, instituted for the offences under Sections 20 and 22
of the NDPS Act.

3. Prosecution allegation, in short, is that 7 kg 900 gm
ganja was recovered from E-rickshaw. 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 is neither owner nor driver of the seized vehicle in question, rather the petitioner is only a passenger of that vehicle and he has no knowledge regarding the goods loaded in that vehicle. 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 13.02.2024 and has got one 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 Kotwali P.S. Case No. 72 of 2024.

(Rudra Prakash Mishra, J)

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