

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33747 of 2024

Arising Out of PS. Case No.-4 Year-2024 Thana- NADI District- West Champaran

Sandeep Kumar SON OF NAWAL KISHOR @ NAWAL KISHOR
UPADHYAY village Sareya, P.S.- GOVINDGANJ, DIST- EAST
CHAMPARAN Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarvesh Kashyap, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

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

ORAL ORDER

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

2. The petitioner seeks bail in Bagaha Nadi P.S. Case
No. 04 of 2024 instituted for the offence under Sections 8,
20(b)(ii) and 29 of the NDPS Act.

3. Prosecution allegation, in short, is that on secret
information a bus was stopped by police. Two persons were
caught and they disclosed their names as Sandeep Kumar, the
petitioner herein and Abhishek Kumar Mishra. From their
possession 10.710 kg and 10.750 kg respectively of ganja like
substance was recovered.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. Police recorded statement of co-accused Abhishek
Kumar Mishra and in his statement, he has not disclosed a



single word about the petitioner. In fact he has disclosed that the alleged 'ganja' like substance was given to him by one Kundan Kumar Pal and Dhruv Kumar Gupta. Learned counsel for the petitioner further submits 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 08.02.2024 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, 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 Bagaha Nadi P.S. Case No. 4 of 2024.

(Rudra Prakash Mishra, J)

Prakash/-

U			
---	--	--	--

