

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38804 of 2024

Arising Out of PS. Case No.-564 Year-2023 Thana- KHAJEKALA District- Patna

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Kundan kumar Son of Navindra Choudhary Resident of Mohalla- Loha Ka
Pul, Beldari Toli, P.S- Mehndiganj , Dist- Patna Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjit Kumar, Advocate

For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

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

ORAL ORDER

2 17-05-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Khajekala P.S. Case No. 564 of 2023 instituted for the offences
under Sections 20(b)(ii) (A) of the NDPS Act.

3. As per prosecution case, there is recovery of 5.600
gram smack from the possession of the petitioner and he
confessed that he has purchased the same from the co-accused.

4. Learned counsel for the petitioner submitted that
the petitioner has falsely been implicated in the present case.
The petitioner has no concern with the alleged recovery.
Nothing incriminating article has been recovered from the
conscious possession of the petitioner. He is languishing in



judicial custody since 28.12.2023 and has no criminal antecedent. 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. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. Other co-accused has been granted bail by this Court *vide* order dated 05-04-2024, passed in Cr. Misc. No. 25416 of 2024.

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, judicial custody undergone by the petitioner and the recovered contraband being below the commercial quantity, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail after 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 Khajekala P.S. Case No. 564 of 2023.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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