

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33653 of 2024

Arising Out of PS. Case No.-6 Year-2024 Thana- SUPAUL District- Supaul

Arvind Kumar @ Arvind Kumar Yadav S/o Upendra Yadav R/o vill - Rampur,
Rajpur ward no. 7, P.s. - Pipra, Distt. - Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar, Adv.

For the Opposite Party/s : Mr.Ahmad Ali, 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 connection with NDPS
(Spl) Case No. 02 of 2024 arising out of Supaul P.S. Case No.
06 of 2024 instituted for the offences under Sections 08/20(b)
(ii) (B) of the Narcotics Drugs & Psychotropic Substance Act,
1985.

3. As per prosecution case, in course of patrolling, the
police saw a grey colour car bearing Regd. No. BR 50T 3276
parked by the road side. On seeing the police party, three
persons stepped out and tried to flee but, were apprehended by
the police. The arrested persons disclosed their names as Ashok
Kumar, Arvind Kumar (petitioner) and Shivshankar Kumar. On



search, the police recovered 2 Kgs. of contraband *Ganja* from the car.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the alleged occurrence or the seized contraband. The petitioner is not the owner of the car and the car belongs to co-accused Ashok Kumar. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The quantity of *Ganja* recovered is less than 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 Section 42 and 50 of the N.D.P.S. Act. The cognizance has been taken on 13.03.2024 without the F.S.L. report. The petitioner has no criminal antecedent and is languishing in judicial custody since 04.01.2024 without any rhymes or reason. Charge-sheet has been submitted in this case.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.



6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, 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 NDPS (Spl) Case No. 02 of 2024 arising out of Supaul P.S. Case No. 06 of 2024 .

(Rudra Prakash Mishra, J)

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