

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34404 of 2024

Arising Out of PS. Case No.-161 Year-2024 Thana- MASAUDHI District- Patna

Raju Kumar Son of Late Ramat Prasad @ Ramat Yadav Resident of
Kailuchak, P.S.- Masaurhi District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhukar Anand, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

2 06-05-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail in connection with

Special (NDPS) Case No. 44 of 2024 arising out of

Masaurhi P.S. Case No. 161 of 2024 instituted for the

offences under Section 8(c) and 20(b) of the Narcotics

Drugs and Psychotropic Substance Act.

3. As per prosecution case, the police has recovered

50 grams of *Ganja* from the possession of the petitioner.

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 due to ulterior motive. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. 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 petitioner has no concern with the seized contraband. There is also non-compliance of Section 100 of the Cr.P.C. The petitioner has one criminal antecedent and is languishing in judicial custody since 02.03.2024 without any rhymes or reason.

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 considered the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the quantity of contraband which is below the commercial quantity, 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 Special (NDPS)
Case No. 44 of 2024 arising out of Masaurhi P.S. Case No.
161 of 2024.

(Rudra Prakash Mishra, J)

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