

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34358 of 2024**

Arising Out of PS. Case No.-36 Year-2024 Thana- BARAULI District- Gopalganj

1. Baban Chaudhary @ Baban Yadav son of Late Muthan Chaudhary @ Muthan Yadav Village- Batardah Mathiya Tola Ps- Barauli Dist- Gopalganj
2. Prahalad Prasad @ Prhlad Prasad son of Late Ranjay Prasad @ Rangila Prasad Village- Batardah Mathiya Tola Ps- Barauli Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Kumar Harshvardhan, Advocate
	:	Mr.Sudhanshu Prakash, Advocate
For the Opposite Party/s	:	Mr.Sanjay Kumar, APP

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

ORAL ORDER

2 06-05-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in connection with Barauli
P.S. case No. 36 of 2024 instituted for the offences under
Sections 8(c), 21(b), 22(b) and 25 of the N.D.P.S. Act.

3. Prosecution case, in short, is that 10.366 Kg of
ganja has been recovered in this case.

4. Learned counsel for the petitioners submitted that
the petitioners have falsely been implicated in the present case.
Charge-sheet has been submitted in this case. Petitioners are in



custody since 21.01.2024 and have no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. No incriminating material has been recovered from the conscious possession of the petitioners. The recovered contraband is below commercial quantity, and 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.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances of the case, recovery contraband being below the commercial quantity as also the period of custody undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

7. Let the petitioners be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Barauli P.S. case No. 36 of 2024.

(Rudra Prakash Mishra, J)

Alok Verma/-

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