

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35038 of 2024

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

1. Ashok Kumar Son Of Sudhir Sah R/O Village- Rampur, Rajpur Ward No. 7, P.S.- Pipra, Dist-Supaul
2. Shivshankar Kumar S/O Upendra Sah R/O Village- Behrari, P.S.- Singheshwar, Dist- Madhepura

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Dr.Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 08-05-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in NDPS (Spl) Case No. 02 of 2024 arising out of Supaul P.S. case No. 06 of 2024 instituted for the offences under Sections 8 and 20(b) (ii)(B) of the N.D.P.S. Act.

3. Prosecution allegation, in short, is that the police in a search recovered 2 kg. Ganja from the vehicle.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. The petitioners are in



custody since 04.01.2024 and have got no criminal antecedent. Charge-sheet has been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioners. The petitioners have got no concerned with the recovered contraband. 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. Co-accused has been granted bail by this Bench vide order dated 02.05.2024 passed in Cr. Misc. No. 33653 of 2024.

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, the clean antecedent of the petitioner, the period of custody undergone by the petitioners, the recovered contraband below commercial quantity and the claim based on parity, 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 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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