

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35292 of 2024

Arising Out of PS. Case No.-104 Year-2023 Thana- INARWA District- West Champaran

Sumit Kumar Son of Laxmi Prasad R/O Village -Narkatia P.S -Shikarpur
District-West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramendra Bharti, Adv.

For the Opposite Party/s : Mr.Madhura Nand Jha, APP

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

ORAL ORDER

2 20-05-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail in connection with

Inarwa P.S. Case No. 104 of 2023 instituted for the

offences under Section 414 of the Indian Penal Code and

Sections 8, 20(B), (ii) (B), 23(b) of the N.D.P.S. Act.

3. As per prosecution case, the police has recovered

total two kilogram 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 suspicion and ulterior motive. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. There is no eye-witness to the alleged occurrence. The petitioner has also no concern with the seized contraband. 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 criminal antecedent and is languishing in judicial custody since 17.12.2023 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, stating that the petitioner is named in the F.I.R. and the offence alleged is serious in nature.

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 Inarwa P.S.
Case No. 104 of 2023.

(Rudra Prakash Mishra, J)

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