

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36785 of 2024

Arising Out of PS. Case No.-122 Year-2024 Thana- NAUBATPUR District- Patna

Kishan Kumar son of Jitendra Kumar Village -Gorakhari PS- Bikram Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pathak
For the Opposite Party/s : Mr.Kumar Ranjit Ranjan

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 21-05-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Naubatpur P.S. Case No. 122 of 2024 instituted for the offences punishable under Sections 21(a) and 29 of the N.D.P.S. Act.

3. As per prosecution case, there has been recovery of 2.85 gm of *Brown sugar* from the possession of petitioner and co-accused person.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Charge-sheet has been submitted in this case. No incriminating



article has been recovered from the conscious possession of the petitioner and he has no concern with the alleged recovery. The recovered contraband is below the small quantity. Hence Section 37 of the N.D.P.S. Act is not applicable in this present case. The petitioner is in custody since 24.02.2024 and has eight criminal antecedents. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, the recovered contraband being below the small quantity as well as the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner 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 Naubatpur P.S. Case No. 122 of 2024, Subject to following conditions:

(i) One of the bailors shall be own/close member of the family of the petitioner.

(ii) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two



consecutive dates, the trial Court will have liberty to cancel the
bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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