

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36299 of 2024**

Arising Out of PS. Case No.-22 Year-2024 Thana- JANKINAGAR District- Purnia

Bhajan Yadav Son Of Late Ganesh Yadav Village- Bhangha Tula, Dibraghni,
Ward No. 04, Ps- Barhara Kothi, Dist- Purnea P/A- Rampur Tilak, Ps- Janki,
Dist- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijendra Kumar Singh, Advocate
For the Opposite Party/s : Mr.Madhura Nand Jha, APP

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

ORAL ORDER

2 10-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Jankinagar P.S. case No. 22 of 2024 instituted for the offences
under Sections 8(c), 21(b) of the N.D.P.S. Act.

3. Prosecution case, in short, is that 15 grams of smack
(brown sugar) has been recovered in this case.

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. Petitioner is in



custody since 17.03.2024 and has no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. No incriminating material has been recovered from the conscious possession of the petitioner. The recovered contraband is above the small quantity but far below the commercial quantity, and hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. The co-accused person has already been granted bail by a Coordinate Bench of this Court vide order dated 30.04.2024 passed in Cr. Misc. No. 31160 of 2024. 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 petitioner.

6. Considering the aforesaid facts and circumstances of the case, clean antecedent, the recovered contraband being less than commercial quantity as also 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 Jankinagar P.S. case



No. 22 of 2024.

(Rudra Prakash Mishra, J)

Alok Verma/-

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