

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36877 of 2024

Arising Out of PS. Case No.-706 Year-2023 Thana- SIMRI BAKHTIYARPUR District-
Saharsa

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1. Roshan Kumar S/O Bishwanath Sah R/O Village- Saraigarh, P.S-0 Bhaptiyahi, Distt.- Supaul.
 2. Chandan Gupta S/O Raj Kumar Gupta R/O Village- Saraigarh, P.S-0 Bhaptiyahi, Distt.- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Harun Quareshi, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

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

ORAL ORDER

2 15-05-2024 Heard learned counsel for the petitioners and learned APP
for the State.

2. The petitioners seek bail in connection with Simri
Bakhtiyarpur P.S. Case No. 706 of 2023 instituted for the offences
punishable under Section 8, 20(B) (ii)(B) of the N.D.P.S. Act.

3. As per prosecution case, there has been recovery of
3.5 Kg of Ganja from the possession of petitioners.

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. The petitioner has no
concern with the alleged recovery. No recovery has been made
from the conscious possession of the petitioners. It is further



submitted that recovered contraband is below the commercial quantity. Hence, section 37 of the N.D.P.S. Act is not applicable in the present case. The petitioners are in custody since 31.12.2023 and has no criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. Other co-accused has been granted bail by this Court vide order dated 25-04-2024, passed in Cr. Misc. No. 31737 of 2024.

5. Learned APP 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 as well as the period of custody undergone by the petitioner and 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) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Simri Bakhtiyarpur P.S. Case No. 706 of 2023.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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