

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36401 of 2024

Arising Out of PS. Case No.-234 Year-2023 Thana- MEHANDIGANJ District- Patna

Pankaj Kumar son of Bhola Paswan Resident of Village- Mansa Ram ka
Ankhara, Loha ka Pur Sampatchak, Oa- Mehadiganj Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Tiwari, Advocate

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

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

ORAL ORDER

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

2. The petitioner seeks bail in connection with
Mehandiganj P.S. Case No. 234 of 2023 instituted for the
offences punishable under Sections 20(b) (ii)(B), 23(B) of the
N.D.P.S. Act.

3. As per prosecution case, there has been recovery of
11.85 Gm of Smack from the possession of the petitioner.

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 has no
concern with the alleged recovery. The recovered contraband is
below the commercial quantity. Hence Section 37 of the



N.D.P.S. Act is not applicable in this present case. The petitioner is in custody since 11.12.2023 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 18-04-2024, passed in Cr. Misc. No. 27746 of 2024.

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, claim based on parity, the recovered contraband being below the commercial 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 Mehandiganj P.S. Case No. 234 of 2023.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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