

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37644 of 2024

Arising Out of PS. Case No.-70 Year-2024 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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Bajrangi Kumar @ Bajrangi Thakur @ Bajrang Thakur Son of Late Bhutta
Mistri @ Bhutta Thakur Resident of Village - Akharaghat Karpuri Nagar,
Ward No.- 14, P.S.- Town Sikandarpur (O.P.), District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Home, Narcotic
Drugs Control Bureau New Delhi New Delhi
2. The State of Bihar through the Department of Narcotic Drugs Control
Bureau, Patna. Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Brajesh Kumar Singh, Adv.
For the Opposite Party/s :	Mr. Dr. K.N. Singh (ASG)
	Mr. Sunil Kumar Pandey, Adv.

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

ORAL ORDER

2 21-05-2024 Heard learned counsel for the petitioner and learned
counsel for the opposite parties.

2. The petitioner seeks bail in connection with Town
(Sikandarpur O.P.) P.S. Case No. 70 of 2024 instituted for the
offences under Sections 8(c)/21(b) of the Narcotic Drugs and
Psychotropic Substances Act, 1985.

3. As per prosecution case, the police has recovered
100 pouches of smack like substance weighing 50 grams 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. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the seized contraband. The quantity of smack 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. There is also non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner has two criminal antecedents and in both of them, he is on bail as has been stated in Para-3 of the present bail petition and is languishing in judicial custody since 31.01.2024 without any rhymes or reason. Charge-sheet has been submitted against the petitioner.

5. On the other hand, learned counsel for the opposite parties have vehemently opposed the prayer for grant of bail to the petitioner, stating that the petitioner is named in the F.I.R. and has also two criminal antecedents. The offence alleged is serious in nature and, thus, he does not deserve bail.

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,
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 Town (Sikandarpur
O.P.) P.S. Case No. 70 of 2024.

(Rudra Prakash Mishra, J)

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