

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38249 of 2024

Arising Out of PS. Case No.-16 Year-2024 Thana- GARDANIBAG District- Patna

=====

Avinash Kumar Son of Satrudhan Prasad Resident of village - Brahampur,
P.S.- Phulwarisharif, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Ms.Soni Kumari

For the Opposite Party/s : Mr.Pranav Kumar

=====

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

ORAL ORDER

2 16-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Gardanibagh P.S. Case No. 16 of 2024 instituted for the offences
punishable under Sections 8(c) and 21(b) of the N.D.P.S. Act.

3. As per prosecution case, there has been recovery of
12.76 gm of smack 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. 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 commercial quantity. Hence



Section 37 of the N.D.P.S. Act is not applicable in this present case. He further submitted that the other co-accused has already been granted bail by this Court vide order dated 21.03.2024 passed in Cr. Misc. No. 18416 of 2024. The petitioner is in custody since 08.01.2024 and has no criminal antecedent. 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 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 Gardanibagh P.S. Case No. 16 of 2024.

(Rudra Prakash Mishra, J)

Arish/-

U		T	
---	--	---	--

