

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37957 of 2024**

Arising Out of PS. Case No.-275 Year-2024 Thana- GOPALGANJ TOWN District-
Gopalganj

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Awdhesh Prasad Son of Late Ram Pravesh Prasad Resident of Village-
Hazipur, Ward No- 28, P.S- Sadar, Dist-Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Rajeev, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

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

ORAL ORDER

2 22-05-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Gopalganj Town PS Case No. 275 of 2024 instituted for the
offences under Sections 8(c), 21(B) of the NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of 1.44 grams of smack like substance from the
possession of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from
the conscious possession of the petitioner. Learned counsel for



the petitioner further submits that petitioner has no concern with the alleged recovered contraband. The 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 petitioner is in custody since 08-04-2024 and has got one criminal antecedent. There is no compliance of Sections 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, recovery below small quantity and 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 Gopalganj Town PS Case No. 275 of 2024.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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