

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37868 of 2024

Arising Out of PS. Case No.-22 Year-2024 Thana- JANKINAGAR District- Purnia

Priyanshu Kumar @ Priyanshu Kumar Raj @ Guddu Jaiswal Son of
Vidyanand Jaiswal R/O Village- Rampur Tilak, P.s.- Jankinagar Dist- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Praveen

For the Opposite Party/s : Mr.Arun Kumar Singh

**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
Jankinagar P.S. Case No. 22 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
15 gm of brown sugar like substance from the possession of co-
accused Sushant Ravidas.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.
Petitioner was not apprehended on spot. The name of the
petitioner has come into light on the basis of confessional
statement of apprehended co-accused. 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 and it is below commercial quantity. Hence Section 37 of the NDPS Act is not applicable in this case. He further submitted that from whose possession the contraband article has been recovered has already been granted bail by this Court vide order dated 30.04.2024 passed in Cr. Misc. No. 31160 of 2024. The petitioner is in custody since 20.03.2024 and has three criminal antecedents. 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, no contraband article has been recovered from the possession of the petitioner as well as the period of custody undergone by him, 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 Jankinagar P.S. Case



No. 22 of 2024, Subject to following conditions:

(i) One of the bailors shall be own/close member of the family of the petitioner.

(ii) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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