

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45180 of 2024

Arising Out of PS. Case No.-193 Year-2023 Thana- GOPALGANJ GRP CASE District-
Gopalganj

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Bhushan Sharma S/O Late Mahadev Sharma R/O Village- Dhuawe, P.S-
Sanokhar, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

1. The Union Of India Through Director Narcotics Control Bureau, Patna.
Bihar
2. The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mrs. Priya Raj, Advocate
For the UOI	:	Mr. Satyendra Kumar Jha, CGC
For the Opposite Party/s	:	Mr. Ram Naresh Ray, APP

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

ORAL ORDER

2 03-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Thawe Rail P.S. Case
No. 193 of 2023, NDPS Tr. No. 02 of 2024, instituted for the
offences under Sections 8(c), 20(b)(ii)(B) and 22(b) of the
NDPS Act.

3. Prosecution allegation, in short, is that, there is
recovery of 4.982 Kg of Ganja from the bag 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 the recovered contraband does not belong to the petitioner. 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 08.08.2023 and has got no 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, the recovered contraband being below the commercial 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 Thawe Rail P.S. Case No. 193 of 2023, NDPS Tr. No. 02 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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