

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.39801 of 2024**

Arising Out of PS. Case No.-71 Year-2024 Thana- BHAGWANPUR District- Kaimur  
(Bhabua)

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Durga Yadav Son of Ramjiyavan Yadav Resident of Ora, P.S. - Belaon,  
District - Kaimur At Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Tribhuwan Narayan, Adv.

For the Opposite Party/s : Mr.Amitesh Kumar, APP

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

3      26-07-2024                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner seeks bail in connection with  
Bhagwanpur (Belaon) P.S. Case No. 71 of 2024 instituted for  
the offences under Sections 8(c), 20(b)(ii)(a), 22(a), 25, 29 of  
the N.D.P.S. Act.

3. As per prosecution case, the police, on receipt of  
secret information, intercepted the petitioner and arrested him.  
On search, the police recovered a polythene bag containing  
Ganja weighing 155 gm along with other other articles.

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.  
The quantity of Ganja 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 a 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. The petitioner is languishing in judicial custody since 14.03.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

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 Bhagwanpur (Belaon) P.S. Case No. 71 of 2024.

**(Rudra Prakash Mishra, J)**

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