

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41094 of 2024

Arising Out of PS. Case No.-972 Year-2023 Thana- LAKHISARAI District- Lakhisarai

Khushboo Devi @ Khusboo Devi W/o Santosh Kumar R/o Village-khagaur,
P.S.-Kiul, District-Lakshisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

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

ORAL ORDER

2 21-06-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Lakhisarai P.S. Case No. 972 of 2023 instituted for the offence
under Sections 8 and 20(b)(ii)(B) of the NDPS Act.

3. Prosecution case in a nutshell is that there is
recovery of 6.100 KG of ganja from the possession of the
petitioner and one co-accused, namely, Santosh Kumar.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 13-12-2023. Petitioner is
stated to be man of clean antecedent,

5. It has been further submitted by the petitioner's
counsel that petitioner has been falsely implicated in the present



case. Charge-sheet been submitted in this case. No incriminating material has been recovered from the conscious possession of 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. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. Co-accused has been granted bail by this Court vide order dated 14.03.2024 passed in Cr. Misc. No. 18592 of 2024.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, recovery is below commercial quantity and clean antecedent of the petitioner, this Court is inclined to grant bail to the petitioner.

8. 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 Lakhisarai P.S. Case No. 972 of 2023.

(Rudra Prakash Mishra, J)

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