

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39891 of 2024

Arising Out of PS. Case No.-15 Year-2024 Thana- KANGLI District- West Champaran

Rupesh Kumar S/o Madholal Mahto R/o Village-Sidhpur, P.S.-Palanwa,
District-East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarvesh Kashyap, Advocate

For the Opposite Party/s : Md. Ataur Rahman, APP

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

ORAL ORDER

3 21-06-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Kangli P.S. Case No. 15
of 2024, instituted for the offences under Sections 8/20(b)(ii)(c),
23(c) and 29 of the NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of 17.12 Kg of *ganja* 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. It is further submitted
that the petitioner has no concern with the 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 29.03.2024 and has got no criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted bail by this Court vide order dated 22.05.2024 passed in Cr. Misc. No. 37947 of 2024.

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, the period of custody undergone by the petitioner and claim based on parity, 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 Kangli P.S. Case No. 15 of 2024.

(Rudra Prakash Mishra, J)

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