

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41335 of 2024**

Arising Out of PS. Case No.-202 Year-2024 Thana- BIHAR District- Nalanda

Nandan Kumar S/o Alkhnandan Prasad RESIDENT OF MOHALLA-
NAISARAI, P.S.-BIHARSHARIF, DISTRICT-NALANDA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Sinha

For the Opposite Party/s : Mr. Raj Ballabh Singh

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 18-09-2024 Heard the parties.

2. The petitioner seeks bail in connection with Bihar Sharif P.S. Case No. 202 of 2024 registered for the offence under Sections 8(c) and 21(b) of the Narcotics Drugs and Psychotropic Substances Act, 1985.

3. The petitioner is named in the F.I.R. and is in custody since 12.03.2024.

4. The allegation against the petitioner is to have in possession of 5.6 grams of brown sugar.

5. Learned counsel appearing on behalf of the petitioner submitted that petitioner implicated falsely with present case as alleged recovery not appears to be



made from his conscious physical possession. It is submitted that just to aggravate the allegations, the recovered quantity was shown marginally high from the smaller quantity. It is submitted that the compliance of Section 50 of the NDPS Act also not appears followed in present case. Learned counsel also pointed out as the recovered quantity is less than commercial quantity therefore compliance of Section 37 of NDPS Act not appears applicable in present case. While concluding the argument, it is submitted that petitioner found involved in one more criminal case where he is in on bail and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. In view of aforesaid facts and submission and by taking note of fact as alleged recovered contraband/brown sugar is less than commercial quantity, where petitioner is in custody since



12.03.2024, accordingly petitioner above named, is directed to be released on bail in connection with Biharsharif P.S. Case No. 202 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge cum Special Judge, Nalanda, Biharsharif/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C/ Section 480(3) of BNSS. subject to further condition:-

"(i) That petitioner shall not indulge/involve in the similar nature of cases till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner."

(Chandra Shekhar Jha, J)

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