

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41332 of 2024

Arising Out of PS. Case No.-358 Year-2024 Thana- Excise P.S. District- Kaimur (Bhabua)

Achhay Kumar S/o Narayan Bind R/o vill - Surhan, P.S. - Chand, Distt. -
Kaimur at Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

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

ORAL ORDER

2 19-06-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Bhabua Excise P.S. Case No. 358 of 2024 instituted for the
offence under Sections 20(b)(ii)(a) & 22(A) of the NDPS Act.

3. Prosecution case in short is that there is recovery of
total 12 kgs of ganja from the possession of the co-accused,
including the petitioner.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 17-04-2024. 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. It is submitted that petitioner is the driver and owner of the e-rickshaw from where recovery is made and he was oblivious of the illicit contraband being laden in the vehicle, as the same was carried by the passengers therein. 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. Lastly, it is submitted that there is no compliance of Sections 42 and 50 of the NDPS Act.

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 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 Bhabua Excise P.S. Case No. 358 of 2024.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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