

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49950 of 2024

Arising Out of PS. Case No.-611 Year-2023 Thana- PATNA RAIL P.S. District- Patna

Ranjan Kumar son of Hari Narayan Sao Village- Chandpurbela Ps- Jakkanpur
Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tej Narayan Singh, Advocate

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

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

ORAL ORDER

2 19-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Special Case (NDPS)
No. 197 of 2023, arising out of Rail Patna Junction P.S. Case
No. 611 of 2023, instituted for the offences under Sections 379,
411, 414/34 of the Indian Penal Code, Sections 8(c) and 21(b) of
the NDPS Act.

3. Prosecution allegation, in short, is that. 6.120 gram
heroine has been recovered 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. Charge-sheet has been submitted in this case. No



incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner also submits that the petitioner has no concern with the alleged recovery of heroine. 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 16.07.2023 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 submitted that similarly situated co-accused have been granted bail by this Court vide order dated 18.04.2024 passed in Cr. Misc. No. 28177 of 2024 and order dated 10.05.2024 passed in Cr. Misc. No. 31180 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 Special Case (NDPS) No. 197 of 2023, arising out of Rail Patna Junction P.S. Case No. 611 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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