

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45776 of 2024

Arising Out of PS. Case No.-803 Year-2023 Thana- DHANARUA District- Patna

Vivek Kumar S/o Late Nagendra Sharma @ Nagendra Kumar Singh R/o vill -
Nima, P.S. - Dhanarua, Distt. - Patna, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar
For the Opposite Party/s : Mr.Akbar Ali

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

ORAL ORDER

2 28-06-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Dhanarua P.S. Case No. 803 of 2023 instituted for the offences
punishable under Sections 399 and 402 of the IPC, Sections 8(c)
and 21(a) of the N.D.P.S. Act and Sections 25(1-B)a, 26, 27 and
35 of the Arms Act.

3. As per prosecution case, in short, is that a country-
made pistol, two live cartridges and 1.670 gm of Brown Sugar
have been recovered from the possession of the petitioner.



4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Charge-sheet has been submitted in this case. No incriminating articles have been recovered from the conscious possession of the petitioner and he has no concern with the alleged recovery. The recovered contraband is below the small quantity. Hence Section 37 of the N.D.P.S. Act is not applicable in this present case. He further submitted that the other co-accused has already been granted bail by this Court vide order dated 26.04.2024 passed in Cr. Misc. No. 31185 of 2024. The petitioner is in custody since 26.12.2023 and has no criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

5. Learned APP 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 small 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 Dhanarua P.S. Case
No. 803 of 2023.

(Rudra Prakash Mishra, J)

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