

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44636 of 2024

Arising Out of PS. Case No.-449 Year-2023 Thana- KAJI MUHAMMADPUR District-
Muzaffarpur

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Javed Ahmad Son Of Ansar Ahmad R/O- Mohalla- Abeda High School
Tinkothiya, P.S.- Mithanpur, Distt.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Soni Kumari, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

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**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 Kazi
Mohammadpur PS Case No. 449 of 2023 instituted for the
offences under Sections 8(c), 21(b) & 27 of the NDPS Act.

3. Prosecution allegation, in short, is that 12.5 grams
smack like substance 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 been submitted in this case. No
incriminating material has been recovered from the conscious
possession of the petitioner. Learned counsel for the petitioner



further submits that 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 27-10-2023 and has got one criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. Other co-accused has been granted bail by this Court vide order dated 21-02-2024, passed in Cr. Misc. No. 10196 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, recovery below commercial quantity and the period of custody undergone by the petitioner, 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 Kazi Mohammadpur PS Case No. 449 of 2023.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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