

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45549 of 2024

Arising Out of PS. Case No.-49 Year-2024 Thana- MAJORGANJ District- Sitamarhi

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Manoj Giri Yogendra Giri R/O of Vill.- Sonar, P.S.- Riga , District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate
For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 23-08-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Majorganj P.S. Case No. 49 of 2024 instituted for the offences under Sections 414/34 of IPC and 8, 20(b)(ii)(B) of the N.D.P.S. Act.

3. Prosecution case, in short, is that 4.200 Kg. of ganja has been recovered beneath the seat of the motorcycle.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. The name of the petitioner transpired in this case on the basis of



confessional statement of the co-accused Randhir Patel who was apprehended on the spot. Charge-sheet has been submitted in this case. Petitioner has no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. No incriminating material has been recovered from the conscious possession of the petitioner. The recovered contraband is below commercial quantity, and hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Section 42 and 50 of the N.D.P.S. Act. The co-accused person has already been granted regular bail by this Bench vide order dated 31.07.2024 passed in Cr. Misc. No. 37725 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, recovered contraband being less than commercial quantity, let the petitioner, above named, in the event of arrest/surrender before the lower court within a period of six weeks from today, be released on anticipatory 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 Majorganj P.S. Case



No. 49 of 2024, subject to the conditions as laid down under
Section 438(2) of the Code of Criminal Procedure.

(Rudra Prakash Mishra, J)

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