

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45320 of 2024

Arising Out of PS. Case No.-95 Year-2024 Thana- CHHAURADANO District- East
Champaran

Parshuram Yadav Son of Late Dukhi Yadav Resident of village - Bhaisara,
P.S.- Ramgadhawa, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Parmanand Kumar, APP

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

ORAL ORDER

2 03-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Chhauradano P.S. Case
No. 95 of 2024, G.R. Case No. 36 of 2024, instituted for the
offences under Sections 8 and 20(b)(ii)(B) of the NDPS Act.

3. Prosecution allegation, in short, is that, there is
recovery of 03.500 Kg ganja in a plastic bag from the
motorcycle of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from
the conscious possession of the petitioner. Learned counsel for
the petitioner further submits that the petitioner has no concern



with the alleged recovery of ganja. The motorcycle does not belong to the petitioner. The petitioner was only a pillion rider and has taken lift from the rider of the motorcycle. 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 23.04.2024 and has got one criminal antecedent in which the petitioner is on bail. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

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 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 Chhauradano P.S. Case No. 95 of 2024, G.R. Case No. 36 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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