

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54852 of 2024**

Arising Out of PS. Case No.-11 Year-2024 Thana- KUNDWACHAINPUR District- East
Champaran

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Vijay Kumar son of Ramjee Prasad Village- Barharwa Fate Mohammad Ps-
Kundwa Chainpur, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Anil Kumar, Advocate
For the Opposite Party/s : Mr.Ram Priya Sharan Singh, Advocate

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

ORAL ORDER

3 09-08-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection
with Kundwa Chainpur P.S. Case No. 11 of 2024 instituted for
the offences under Sections 414/34 of the Indian Penal Code
and Sections 8/20(b)(ii)(B) of the N.D.P.S. Act.

3. Prosecution case, in short, is that 1.900 Kg of ganja
has been recovered in this case along with one motorcycle.

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. 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. Petitioner has got no concern with the vehicle in question. 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. The co-accused person has already been granted regular bail by this Bench vide order dated 10.05.2024 passed in Cr. Misc. No. 33356 of 2024. There is no compliance of Section 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, clean antecedent of the petitioner and the 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 Kundwa Chainpur P.S. Case No. 11 of 2024,



subject to the conditions as laid down under Section 438(2) of
the Code of Criminal Procedure.

(Rudra Prakash Mishra, J)

Alok Verma/-

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