

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.49692 of 2024**

Arising Out of PS. Case No.-803 Year-2023 Thana- MUZAFFARPUR SADAR District-  
Muzaffarpur

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Gopal Yadaw @ Gopal Yadav Son of Maznu Yadaw Resident of Village -  
Jorabganj, P.S.- Kodha, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Raju Kumar, Advocate

For the Opposite Party/s : Mr. Ajit Kumar, APP

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

ORAL ORDER

2      19-07-2024                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner seeks bail in connection with  
N.D.P.S. Case No. 169 of 2023, arising out of Sadar P.S. Case  
No. 803 of 2023, instituted for the offences punishable under  
Sections 401, 411, 413, 414, 467, 468 of the Indian Penal Code,  
Sections 8(c) and 21(b) of N.D.P.S. Act.

3. The prosecution case, in short, is that, 7 gram  
smack like substance, 12 mobile phones, three keys of  
motorcycle and other articles were recovered in this case.

4. Learned counsel for the petitioner submits that the  
petitioner is innocent and has falsely been implicated in the  
present case. The petitioner is in custody since 19.08.2023 and  
has got no criminal antecedent. No incriminating material has



been recovered from the conscious possession of the petitioner. 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. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted bail by this Court vide order dated 19.03.2024 passed in Cr. Misc. No. 20345 of 2024.

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, taking into account 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with N.D.P.S. Case No. 169 of 2023, arising out of Sadar P.S. Case No. 803 of 2023.

**(Rudra Prakash Mishra, J)**

Rajorshi/-

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