

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48821 of 2024

Arising Out of PS. Case No.-109 Year-2024 Thana- SURYAGARHA District- Lakhisarai

Pankaj Singh Son of Sitaram Singh R/O Vill.- Jagdishpur, P.S.- Surajgarha,
Dist.- Lakhisarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha, Advocate
For the Opposite Party/s : Md. Mushtaque Alam, APP

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

ORAL ORDER

3 02-08-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. Learned counsel for the petitioner is permitted to
delete Opposite Party No. 2 during course of the day.

3. The petitioner seeks bail in Surajgarha P.S. Case
No. 109 of 2024, instituted for the offences under Sections 9,
20(b)(ii)(c) and 18(c) of the N.D.P.S. Act.

4. Prosecution allegation, in short, is that 8.8 Kg *ganja*
has been recovered from the newly constructed house of the
petitioner.

5. 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 also submitted that the petitioner has got no concern with the alleged recovery of *ganja*. The petitioner has been arrested in this case on the basis of being the owner of the house from where the alleged contraband has been recovered. 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 30.03.2024 and has got two criminal antecedents in which he is on bail. 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 10.07.2024 passed in Cr. Misc. No. 48389 of 2024.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, the recovered contraband being below the commercial quantity, period of custody undergone by the petitioner and claim based on parity, this Court is inclined to grant bail to the petitioner.

8. 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 Surajgarha P.S. Case
No. 109 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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