

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48753 of 2024

Arising Out of PS. Case No.-148 Year-2024 Thana- KOCHAS District- Rohtas

Rinkesh Kumar Son Of Binod Kumar Singh R/O- Village- Kapasiya, P.S.-
Kochas, Distt.- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Babu Nandan Prasad, Advocate

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

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

ORAL ORDER

2 24-07-2024 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 from the petition during course of
the day.

3. The petitioner seeks bail in Kochas P.S. Case No.
148 of 2024, instituted for the offences under Sections 8(c),
20(b)(ii)(b) and 29 of the NDPS Act.

4. Prosecution allegation, in short, is that 14.100 Kg
Ganja and cash of Rs. 1,25,000/- from the shop and 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. Charge-sheet has been submitted in this 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 got no concern with the alleged recovery of *ganja*. The recovered money belongs to 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. The petitioner is in custody since 20.05.2024 and has got no criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

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 and the period of custody undergone by the petitioner, 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 Kochas P.S. Case No. 148 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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