

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49599 of 2024

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

Binod Kumar Singh Son of Yamuna Singh Resident of Vill- Kapasiya, P.S.-
Konchas, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar Patna

... .. 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 09-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. At the outset, learned counsel for the petitioner is
permitted to delete O.P. No.2 as opposite party, during course of
the day.

3. The petitioner apprehends his arrest in connection
with Kochas P.S. Case No. 148 of 2024 registered for the
offences punishable under Sections 8(c), 20(b)(ii)(b) & 29 of
the NDPS Act.

4. Prosecution case in brief is that 14.100 Kg *Ganja*
and Cash of Rs. 1,25,000/- is recovered from the shop and house
of the co-accused, namely, Rinkesh Kumar.



5. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. Charge sheet has been submitted in this case. Nothing has been recovered from the possession of the petitioner. It is submitted that recovery has been made from co-accused, namely, Rinkesh Kumar, who has been enlarged on bail by this Court *vide* order dated 24-07-2024, passed in Cr. Misc. No. 48753 of 2024. The recovered contraband is below the commercial quantity. Hence, Section 37 of the NDPS Act is not application. There is no compliance of Sections 42 and 50 of the NDPS Act. Petitioner claims clean antecedent.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the rival submissions made by the learned counsel for the parties, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Kochas P.S.



Case No. 148 of 2024, subject to the conditions as laid down
under Section 438 (2) of the Cr.P.C.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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