

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50162 of 2024

Arising Out of PS. Case No.-78 Year-2024 Thana- GOH District- Aurangabad

Santosh Kumar Son Of Late Kamta Prasad R/O- Village- Akauna, P.S.- Goh,
Distt.- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rupa Kumari, Advocate

For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

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

ORAL ORDER

3 21-09-2024 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Goh
PS Case No. 78 of 2024 instituted for the offences under
Sections 8, 20(B)IIB, 25 & 29 of the Indian Penal Code.

3. Prosecution allegation, in short, is that there is
recovery of 5.620 Kg of ganja from a husk house.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. Charge-sheet 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 petitioner has no concern with the recovered



contraband. 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 13-04-2024 and has got one criminal antecedent. There is no compliance of Sections 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. It is submitted that recovery is made in presence of witnesses, which fact find mention at paragraph Nos. 3 & 4 of the case diary.

6. Considering the aforesaid facts and circumstances of the case, recovery below commercial quantity and the period of custody undergone by the petitioner, 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/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Goh PS Case No. 78 of 2024.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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