

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53747 of 2024

Arising Out of PS. Case No.-50 Year-2024 Thana- NIRMALI District- Supaul

Nitish Kumar S/O Jibachh Yadav R/O Village- Bela Laxminiya, Ward No. 4,
P.S- Nirmali, Distt.- Supaul.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Yadav, Advocate
		Mr. Vinod Kumar, Advocate
For the Opposite Party/s	:	Mr. Rajiv Nayan, APP

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

ORAL ORDER

2 07-08-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Nirmali P.S. Case No.
50 of 2024, instituted for the offences under Sections 8 and
20(b)(ii)(B) of the NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of 13.200 Kg *Ganja* from the motorcycle of the
petitioner along with other co-accused person.

4. 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 further submits that the petitioner has got no



concern with the alleged recovery of *ganja*. Petitioner is the owner of the motorcycle in question. 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 15.03.2024 and has got no 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.

6. 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.

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 Nirmali P.S. Case No. 50 of 2024.

(Rudra Prakash Mishra, J)

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