

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53682 of 2024

Arising Out of PS. Case No.-114 Year-2024 Thana- DANAPUR District- Patna

Sonu Kumar Son of Harmendra Prasad R/O Vill.- Vishunpur, P.s.- Akilpur,
Dist.-Saran, At Present Sultanpur near Dukhan Ram DAV School, P.S.-
Danapur, Dist.- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, 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 Danapur P.S. Case No.
114 of 2024 (Special NDPS Case No. 75 of 2024), instituted for
the offences under Sections 8(c) and 21(a) of the NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of 13.26 grams of smack and one motorcycle was
recovered from the possession of the petitioner.

4. 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 smack. The petitioner is the owner of the motorcycle in question and has valid documents for the same. 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 05.02.2024 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 Danapur P.S. Case No. 114 of 2024 (Special NDPS Case No. 75 of 2024).

(Rudra Prakash Mishra, J)

Rajorshi/-

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