

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54146 of 2024

Arising Out of PS. Case No.-158 Year-2024 Thana- HAJIPUR SADAR District- Vaishali

Ratnesh Kumar Son of Amod Ray @ Amod Kumar Ray Resident of Vill-
Akilabad, P.S.- Sadar Hajipur, District- Vaishali, Bihar

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. The Union of India, N.D.P.S. Act Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, 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 Hajipur Sadar P.S. Case
No. 158 of 2024, instituted for the offences under Sections 188,
414 of the Indian Penal Code, Sections 8, 20 of NDPS Act and
Section 52 of Prisons Act.

3. Prosecution allegation, in short, is that there is
recovery of 100 gram *Ganja* from the possession of the co-
accused person and three mobile phones have been 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 *ganja*. There is no recovery of alleged contraband from the possession of the petitioner. The alleged recovery of *ganja* has been made from the possession of co-accused Kallu Sahni. 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 08.05.2024 and has got two criminal antecedents in which he is on bail. 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 Hajipur Sadar P.S.
Case No. 158 of 2024, subject to the following conditions:

- (I) One of the bailors shall be own/close member of the family of the petitioner.
- (II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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