

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53595 of 2024

Arising Out of PS. Case No.-432 Year-2024 Thana- SAHARSA SADAR District- Saharsa

Bipin Kumar Son Of Roshan Kumar @ Raushan Kumar @ Ashok Yadav
Village- Gangjala, Ward No. 18/32, Ps- Saharsa Sadar, Dist- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar, Advocate
For the Opposite Party/s : Mr. Dashrath Mehta, 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 Saharsa Sadar P.S. Case
No. 432 of 2024, instituted for the offences under Sections 8(c)
and 21(b) of the NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of 20.2 gram smack like substance from the possession
of co-accused Kumar Gaurav and the petitioner was
apprehended on spot.

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 was a passerby of that way and on the basis of suspicion he was arrested by the police. The alleged recovery has been made from the possession of co-accused Kumar Gaurav. 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 29.04.2024 and has got one criminal antecedent 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 Saharsa Sadar P.S.
Case No. 432 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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