

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53688 of 2024

Arising Out of PS. Case No.-109 Year-2024 Thana- CHHATAUNI District- East Champaran

Dharmendra Yadav S/o Sri Shankardeo Yadav R/o vill - Gulariya, P.S. -
Bhitahan, Distt. - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharad Kumar Verma, Advocate

For the Opposite Party/s : Mr. Pranav Kumar, 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 NDPS Case No. 18 of 2024, arising out of Chhatauni P.S. Case No. 109 of 2024, instituted for the offences under Sections 20(b)(ii)(B), 23(b) and 29 of the NDPS Act.

3. Prosecution allegation, in short, is that there is total recovery of 6.16 Kg of *Ganja* out of which 2.064 Kg of *Ganja* has 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. 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 bag and *ganja*. The petitioner was a passerby of that way and was arrested on the basis of suspicion. 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 26.02.2024 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 NDPS Case No. 18 of 2024, arising out of Chhatauni P.S. Case No. 109 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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