

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53567 of 2024

Arising Out of PS. Case No.-32 Year-2024 Thana- MADHWAPUR District- Madhubani

Suman Kumar @ Suman Sahni Son of Ugeshwar Sahani R/V- Mankauli, P.S.-
Singhwara, Distt.- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhakar Thakur, Advocate

For the Opposite Party/s : Md. Iftekhar Mahmood, APP

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

ORAL ORDER

2 02-08-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends arrest in Madhwapur P.S.
Case No. 32 of 2024, corresponding to G.R. No. 16 of 2024,
registered under Sections 272, 273/34 of the Indian Penal Code,
Section 30(a) of the Bihar Prohibition and Excise Act and
Sections 20, 22 of the NDPS Act.

3. The prosecution case, in short, is that, 45.6 liters of
liquor and 1.3 Kg *ganja* was recovered from a tempo.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. The petitioner has got no concern with the alleged
recovery of liquor and *ganja*. Learned counsel for the petitioner



also submitted that the petitioner was not present at the place of occurrence. Name of the petitioner has transpired on the basis of confessional statement of co-accused Mukesh Yadav and the same has got no evidentiary value. The petitioner is neither owner nor driver of the tempo in question. The petitioner has got no criminal antecedent. 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 recovered contraband is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances, the recovered contraband being below the commercial quantity, let the petitioner, above named in the event of arrest/surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Madhwapur P.S. Case No. 32 of 2024, corresponding to G.R. No. 16 of 2024,



subject to the conditions as laid down under Section 438(2) of
the Code of Criminal Procedure.

(Rudra Prakash Mishra, J)

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