

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58070 of 2024

Arising Out of PS. Case No.-28 Year-2024 Thana- BHANGHA District- West Champaran

Reyazul Mian S/O Raiful Mian R/O Village- Dhumatand, P.S- Bhangaha,
Dist.- West Champaran, Bettiah.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Giri, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

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

ORAL ORDER

2 21-08-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Bhangaha P.S. Case No.
28 of 2024, instituted for the offences under Sections 8, 20(b)
(ii)B, 22(b) and 23(b) of the NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of 6 Kg *Ganja* 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 submitted that the alleged *Ganja* has been
recovered from sack which does not belong to the petitioner.



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 09.04.2024 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 Bhangaha P.S. Case No. 28 of 2024.

(Rudra Prakash Mishra, J)

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