

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56577 of 2024**

Arising Out of PS. Case No.-251 Year-2024 Thana- BARACHATTI District- Gaya

Mahesh Kumar Son Of Tikkam Yadav @ Tikan Yadav Resident Of Village -
Jali, Police Station - Mohanpur, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aryan Singh, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

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

ORAL ORDER

3 13-11-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Barachatti P.S. Case No. 251 of 2024 instituted for the offences
under Sections 18, 20 & 22 of the NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of total 16 Kgs of *Doda* from tractor.

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 petitioner has no concern with the
recovered *doda*, rather he was arrested from his *Dhaba*. 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 17-05-2024 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. Paragraph Nos. 6 & 7 is the statement of the witnesses who have supported the prosecution case.

6. Considering the aforesaid facts and circumstances of the case, recovery is below 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 Barachatti P.S. Case No. 251 of 2024.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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