

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63461 of 2024

Arising Out of PS. Case No.-16 Year-2024 Thana- GARDANIBAG District- Patna

Raj Kumar @ Banti Son of Ashok Prasad @ Ashok Kumar Prasad Resident of
Bhikhachak Nahar Par, P.S-Gardanibagh, District-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jogendra Kumar, Advocate

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

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

ORAL ORDER

2 30-08-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Spl.
Case No. 60 of 2024, arising out of Gardanibagh P.S. Case No.
16 of 2024, instituted for the offences under Sections 8(c) and
21(b) of the NDPS Act.

3. Prosecution allegation, in short, is that 12.76 gm of
smack has been recovered in this case.

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 also submitted that the petitioner has no concern
with the alleged recovery of smack. 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 08.01.2024 and has got no criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. Learned counsel for the petitioner further submitted that similarly situated co-accused have been granted bail by this Court vide order dated 21.03.2024 passed in Cr. Misc. No. 18416 of 2024 and order dated 16.05.2024 passed in Cr. Misc. No. 38249 of 2024.

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, the period of custody undergone by the petitioner and claim based on parity, 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 Spl. Case No. 60 of 2024, arising out of Gardanibagh P.S. Case No. 16 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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