

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.65343 of 2024**

Arising Out of PS. Case No.-71 Year-2024 Thana- KURSAKANTA District- Araria

Kundan Yadav @ Kundan Kumar Yadav Son of Shail Kumar Yadav Village-  
Hatta Bakhri, Ps- Kursakanta, Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

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

For the Opposite Party/s : Ms. Sangeeta Sharma, APP

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

ORAL ORDER

2      07-09-2024      Heard learned counsel for the petitioner and learned APP  
for the State.

2.      The petitioner seeks bail in connection with  
Kursakanta PS Case No. 71 of 2024 instituted for the offences  
under Sections 8/20(b)(ii)(B) of the NDPS Act.

3.      Prosecution allegation, in short, is that there is  
recovery of total 13 Kg of *ganja*, out of which 6 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 petitioner has no concern with



the recovered contraband. 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 15-05-2024 and has got two criminal antecedents. 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, recovery 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 Kursakanta PS Case No. 71 of 2024.

**(Rudra Prakash Mishra, J)**

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