

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66313 of 2024

Arising Out of PS. Case No.-9 Year-2024 Thana- THANA BIHPUR RAIL P.S. District-
Khagaria

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Rohit Kumar son of Binod Yadav Village -Juri Mauji Tola Bashaitha Ward
No.11, P.S -Chausa, District -Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Viveka Nandsingh, Advocate
For the Opposite Party/s : Mr.Amitesh Kumar, APP

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

ORAL ORDER

3 19-11-2024 Heard learned counsel for the petitioner and learned

APP for the State. Perused the case diary.

2. The petitioner seeks bail in Special Case (N.D.P.S.)
No. 18 of 2024, arising out of Thana Bihpur Rail P.S. case No.
09 of 2024 instituted for the offences under Sections 8, 20(b)(ii)
(B) of the N.D.P.S. Act.

3. Prosecution allegation, in short, is that the 10 kg. of
ganja like substance was recovered from the petitioner in a
black bag.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. The petitioner is in custody since 24.07.2024 and
has got no criminal antecedent. Charge-sheet has been



submitted in this case. No incriminating material has been recovered from the conscious possession of 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. 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 period of custody undergone by the petitioner and the recovered contraband below commercial quantity, 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 Special Case (N.D.P.S.) No. 18 of 2024, arising out of Thana Bihpur Rail P.S. case No. 09 of 2024.

(Rudra Prakash Mishra, J)

Pankaj/-

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