

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69548 of 2024

Arising Out of PS. Case No.-189 Year-2024 Thana- BARHARA District- Bhojpur

Santu Kumar Son of Anil Kumar R/O Village- Sripalpur, P.S.- Koilwar,
District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Malti Kumari, Adv.
For the Opposite Party/s : Mr.Ajit Kumar, APP

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

ORAL ORDER

3 04-12-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Barhara
P.S. Case No. 189 of 2024 instituted for the offences under
Sections 8/20(b)(ii)(B)/29 of the N.D.P.S. Act.

3. As per prosecution case, 2 KG of *ganja* like
substance was recovered from brown colour plastic from the
possession of co-accused Sriram Bind. It is alleged that the
police has recovered one loaded *Katta* along with four live
cartridges from the possession of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.



He further submits that no contraband has been recovered from the conscious possession of the petitioner rather the same has been recovered from the possession of the co-accused Sitaram Bind. The petitioner has no concern with the alleged recovery. The quantity of *Ganja* recovered is less than 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 Section 42 and 50 of the N.D.P.S. Act. There is also non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner has four criminal antecedent and is languishing in judicial custody since 14.05.2024 without any rhymes or reason. The I.O. after completion of investigation has submitted charge-sheet against the petitioner under Sections 8/20(b)(ii)(B)/29 of the N.D.P.S. Act.

5. Learned counsel for the petitioner again submits that the co-accused namely Ritesh Yadav has already been granted bail by this Court vide order dated 14.11.2024 passed in Cr. Misc. No. 79482 of 2024.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature and, hence, he does not deserve bail.



7. Considering the entire facts and circumstances of the case, the quantity of recovered contraband being less than the commercial quantity and the period of custody of the petitioner, let the petitioner, abovenamed, 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 Barhara P.S. Case No. 189 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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