

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69736 of 2024

Arising Out of PS. Case No.-199 Year-2024 Thana- KUDRA District- Kaimur (Bhabua)

Mahtab Farukhi @ Mahtab Faruki Son of Manauwar Farukhi @ Mnower
Faruki R/o Village- Kudra, Ward No.15, P.S.- Kudra, District- Kaimur at
Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Pandey, Adv.

For the Opposite Party/s : Ms.Rita Verma, APP

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

ORAL ORDER

3 05-12-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Kudra
P.S. Case No. 199 of 2024 instituted for the offences under
Sections 8(C), 21(b), 27(a) & 29 of the N.D.P.S. Act.

3. As per prosecution case, the police has recovered
9.590 grams smack in 19 small packets from the possession
of the petitioner Mahtab Faruki whereas 6.740 grams in 46
packets were recovered from the possession of co-accused
Shyam Sundar Sharma.

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 nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the seized contraband. The quantity of contraband 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 no criminal antecedent and is languishing in judicial custody since 17.06.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case, the quantity of contraband being much below the commercial quantity, period of custody of the petitioner and the petitioner having no criminal antecedent, 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 Kudra P.S. Case No. 199 of 2024.

(Rudra Prakash Mishra, J)

rishi/-

U		T	
---	--	---	--

