

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70744 of 2024

Arising Out of PS. Case No.-15 Year-2024 Thana- KANGLI District- West Champaran

Md Roj Alam @ Roj Alam Son of Late Bhutta Miyan Resident of Village-
Pachrukhi Rampur, P.S.- Bhangaha, District- West Champaran, Presently
residing at Village- Dhore, P.S.- Pokhariya, District- Parsa (Nepal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarvesh Kashyap, Advocate
For the Opposite Party/s : Mr. Choubey Jawahar, APP

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

ORAL ORDER

2 27-09-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Kangali P.S. Case No.
15 of 2024, instituted for the offences under Sections 8,
20(B)II(c), 23(c) and 29 of the NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of 8.610 Kg of *ganja* 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. Charge-sheet has been submitted in this case. No
incriminating material has been recovered from the conscious



possession of the petitioner. Learned counsel for the petitioner also submits that the petitioner has got no concern with the alleged recovery of *ganja*. 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 29.03.2024 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 submits that similarly situated co-accused have been granted bail by this Court vide order dated 22.05.2024 passed in Cr. Misc. No. 37947 of 2024, order dated 21.06.2024 passed in Cr. Misc. No. 39891 of 2024 and order dated 19.07.2024 passed in Cr. Misc. No. 51523 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 Kangali P.S. Case
No. 15 of 2024

(Rudra Prakash Mishra, J)

Rajorshi/-

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