

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70757 of 2024

Arising Out of PS. Case No.-1272 Year-2023 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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Abhimanyu Kumar @ Manoj Yadav Son of Late Dhanpal Yadav Resident of
Village - Naya Tola, Jurabganj, P.S. - Kodha, District - Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anup Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Uday Chand Prasad, APP

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**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 Sadar P.S. Case No.
1272 of 2023, instituted for the offences under Sections 401,
411, 413, 414, 467, 468 of the Indian Penal Code, Sections 8,
20(b)(ii)(b) of the NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of 110 gram *charas* 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 also submits that the petitioner has got no concern with the alleged recovery of *charas*. 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 29.12.2023 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 further submits that similarly situated co-accused has been granted regular bail by this Court vide order dated 07.08.2024 passed in Cr. Misc. No. 53539 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 Sadar P.S. Case No.
1272 of 2023

(Rudra Prakash Mishra, J)

Rajorshi/-

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