

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71672 of 2024

Arising Out of PS. Case No.-234 Year-2024 Thana- GOH District- Aurangabad

Saurav Kumar Son of Shiv Kumar Singh Resident of Village - Dhardha
(Dhadha), Police Station - Goh, District - Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar, APP

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

ORAL ORDER

2 21-10-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. Learned counsel for the petitioner is permitted to
make necessary correction/s in provision portion of the bail
application, in course of the day.

3. The petitioner seeks bail in connection with Goh
PS Case No. 234 of 2024 instituted for the offences under
Sections 8/20(b)(ii)(B), 25 & 29 of the NDPS Acts.

4. Prosecution allegation, in short, is that there is
recovery of 76.5 grams of *ganja* from the possession of the
petitioner.

5. 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 further submits petitioner has no concern with the recovered contraband. The recovered contraband is below the small quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. The petitioner is in custody since 17-08-2024, and has got no criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, recovery below small quantity, clean antecedent of the petitioner and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

8. 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 Goh PS Case No. 234 of 2024.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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