

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73171 of 2024

Arising Out of PS. Case No.-98 Year-2024 Thana- BHAPTIAHI District- Supaul

Navin Kumar S/O Siya Ram Sah R/O Village- Saraigadh, Ward No. 11, P.S-
Bhaptiyhi, Distt.- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate
For the Opposite Party/s : Ms. Sharda Kumari, 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. The petitioner seeks bail in N.D.P.S.- 36 of 2024,
arising out of Bhaptiyahi P.S. Case No. 98 of 2024, instituted for
the offences under Section 21(b)(c) of the N.D.P.S. Act.

3. Prosecution allegation, in short, is that recovery of
250 gm codeine phosphate has been made from the back side of
the house 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
further submits that the petitioner has got no concern with the



alleged recovery of codeine. The alleged recovery has been made behind the house of the petitioner which is an open place and easily accessible to public at large. 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 23.04.2023 and has got no criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

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 and the period of custody undergone by the petitioner, 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 N.D.P.S.- 36 of 2024, arising out of Bhaptiyahi P.S. Case No. 98 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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