

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73564 of 2024

Arising Out of PS. Case No.-117 Year-2024 Thana- R S P.S. District- Araria

Md. Tanveer Son of Late Kalim Resident of Rajokhar, Ward No.5, P.S.-Araria
R.S., District-Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrigendra Kumar, Advocate
For the Opposite Party/s : Mr. Shantanu 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. The petitioner seeks bail in Araria Railway Station
P.S. Case No. 117 of 2024, instituted for the offences under
Sections 21 and 22 of the N.D.P.S. Act.

3. Prosecution allegation, in short, is that there is
recovery of total 21 gm smack out of which 16 gm smack has
been recovered 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 further submits that the petitioner has got no



concern with the alleged recovery of smack. 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 18.08.2024 and has got three criminal antecedents in which he is acquitted in one case and is on bail in two other cases. 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 Araria Railway Station P.S. Case No. 117 of 2024.

(Rudra Prakash Mishra, J)

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