

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74904 of 2024

Arising Out of PS. Case No.-242 Year-2024 Thana- LADANIA District- Madhubani

Shiv Kumar Sah Son of Ashok Sah @ Ashok Sahu R/o - Piprahi, P.S -
Ladaniya, District - Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The Union of India, NDPS, Act India

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar, Advocate
For the Opposite Party/s	:	Mr. Ram Priya Sharan Singh, APP
For the UOI	:	Mr. Awdhesh Kumar Singh, ASG

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

ORAL ORDER

2 22-10-2024 Heard learned counsel for the petitioner, learned APP
for the State and learned ASG for the Union of India.

2. The petitioner seeks bail in Ladaniya P.S. Case No.
242 of 2024, instituted for the offences under Sections 20 and
22 of the NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of 45 gm brown sugar 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 brown sugar. 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 31.07.2024 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 and learned ASG for the Union of India have 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 Ladaniya P.S. Case No. 242 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date



fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Rajorshi/-

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