

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74721 of 2024

Arising Out of PS. Case No.-245 Year-2024 Thana- MAJORGANJ District- Sitamarhi

Pradip Giri Son of Sukha Giri Resident of Village- Sukhchaina (Sundarpur) P
S.- Malangwa, Dist- Sarlahi(Nepal) at Present Resident of Village- Kothiya,
P.S. and Dist- Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Adv.

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

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

ORAL ORDER

2 22-10-2024 Heard learned counsel for the petitioner
and learned APP for the State.

2. The petitioner seeks bail in connection
with Majorganj P.S. Case No. 245 of 2024
instituted for the offences under Section 317(5) of
the Bhartiya Nyay Sanhita and Sections 8/20(b)(ii)
(B) of the Narcotic Drugs & Psychotropic Substance
Act.

3. As per prosecution case, the police has
recovered total 01 Kgs 50 gms Ganja along with
motorcycle from the possession of the petitioner.

4. Learned counsel for the petitioner
submits that the petitioner is innocent and has



committed no offence as alleged against him and has falsely been implicated in the present case. The alleged motorcycle bearing Regd. No. BR30J-3930 does not belong to the petitioner. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the seized contraband. The quantity of Ganja recovered is less than the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Section 42 and 50 of the N.D.P.S. Act. The petitioner has no criminal antecedent and is languishing in judicial custody since 08.08.2024 without any rhymes or reason. Charge-sheet has been submitted in this case.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into



account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, 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 Majorganj P.S. Case No. 245 of 2024.

(Rudra Prakash Mishra, J)

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