

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78293 of 2024

Arising Out of PS. Case No.-233 Year-2024 Thana- UJIYARPUR District- Samastipur

Pawan Kumar Son of Jaynarayan Singh Resident of village- Ramchandrapur
Andhail, Police station- Ujiarpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

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

ORAL ORDER

2 30-10-2024 Heard Mr. Anant Kumar Mishra, learned counsel

for the petitioner and Mr. Choubey Jawahar, learned APP for the

State.

2. The petitioner seeks bail in Ujiarpur P.S. Case No.
233 of 2024, instituted for the offences punishable under
Sections 8, 20(b), 8(a) of the NDPS Act and Section 37(c) of the
Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that there is
recovery of 1 Kg 300 gm *ganja* from the house of co-accused
Ram Nath Das and the petitioner was in drunken condition. The
petitioner was apprehended on spot.

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 also submits that as per allegation the petitioner was in drunken condition but no breath analyzer test was conducted to test the same. Petitioner was a passerby of that way and on the basis of suspicion he was arrested by the police. The recovered contraband is below the commercial quantity. It is further submitted that the petitioner has got no concern with the alleged recovery of *ganja*. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. The petitioner is in custody since 04.09.2024 and has got no criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

5. Learned APP 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 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court



below/concerned Court in connection with Ujiarpur P.S. Case
No. 233 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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