

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77279 of 2024

Arising Out of PS. Case No.-170 Year-2024 Thana- PANCHRUKHI District- Siwan

Vijay Giri S/o Late Dharmnath Giri Resident of Village - Sareya Ke Mathiya,
P.S. - Goreakothi, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh, Advocate
For the Opposite Party/s : Mr.Umanath Mishra, APP

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

ORAL ORDER

2 26-10-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Pachrukhi (Sarai) P.S.
case No. 170 of 2024 instituted for the offences under Sections
20(b)(II(B)of the N.D.P.S. Act.

3. Prosecution allegation, in short, is that the 10.5 kg
ganja was recovered in this case from a bus.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. The petitioner is in custody since 12.05.2024 and
has got no criminal antecedent. No incriminating material has
been recovered from the conscious possession of the petitioner.
The petitioner has no any concern with the recovered



contraband. The alleged recovery is made from the bus and the petitioner is said to be a passenger in the bus. 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. 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 period of custody undergone by the petitioner and the recovered contraband below commercial quantity, 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 Pachrukhi (Sarai) P.S. case No. 170 of 2024

(Rudra Prakash Mishra, J)

Pankaj/-

U		T	
---	--	---	--

