

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76395 of 2024

Arising Out of PS. Case No.-105 Year-2024 Thana- BUDDHACOLONY District- Patna

Pankaj Kumar son of Late Jamun Mahto Village- Chai Tola, Musallahpur, P.S
-Kadamkuan, District -Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Jha, Advocate
For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

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

ORAL ORDER

2 24-10-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Special
Case No.85 of 2024 arising out of Budha Colony P.S. Case No.
105 of 2024, instituted for the offences under Sections 8(c),
21(b) & 25 of the NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of 135 sachets containing 55 grams of smack and 46
grams of heroine from 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 petitioner has no concern with the recovered articles. 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 20-02-2024, 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 has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, recovery below commercial quantity, clean antecedent of the petitioner 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 Budha Colony P.S. Case No. 105 of 2024.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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