

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79392 of 2024

Arising Out of PS. Case No.-353 Year-2023 Thana- DIDARGANJ District- Patna

Abhishek Kumar Son of Gopal Pandey Resident of at Present
Gulmahiyabagh, P.S. - Didarganj, District - Patna, Permanent address Village
- Rustampur, P.S.- Raghapur, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saurav Anand, Advocate

For the Opposite Party/s : Mr. Ahmad Ali, APP

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

ORAL ORDER

2 11-11-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Didarganj P.S. case No. 353 of 2023 instituted for the offences
under Sections 20(b)(ii)(c)/22(c)/27(A) of the N.D.P.S. Act.

3. Prosecution case, in short, is that 16 Kg *ganja* has
been recovered in this case.

4. Learned counsel for the petitioner submitted that
the petitioner has falsely been implicated in the present case.
Petitioner is not named in the FIR. Name of the petitioner



sprang in this case as the owner of the vehicle. Learned counsel for the petitioner submits that petitioner has sold his motorcycle to one Vikash Kumar *vide* sale deed dated 03-02-2023, copy of which is enclosed at Annexure-P/2 to this application. Charge-sheet has been submitted in this case. Petitioner is in custody since 05.09.2024 and has no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. No incriminating material has been recovered from the conscious possession of the petitioner. The recovered contraband is above the small quantity and below the commercial quantity, and 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.

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, clean antecedent as also 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 Didarganj P.S. case
No. 353 of 2023.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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