

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78770 of 2024

Arising Out of PS. Case No.-216 Year-2024 Thana- GURUA District- Gaya

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Amarjeet Kumar son of Bhim Yadav Village- Bhush Bhushiya PS -Sherghati
Distt- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Paras Nath, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

2 11-11-2024 Learned counsel for the petitioner prays for and is allowed to make necessary correction in the cause-title of the present bail petition in course of the day, as the present case is arising out of a police case and wrongly the Narcotic Control Bureau has been made party in this case instead of State of Bihar.

2. Heard Mr. Paras Nath, learned counsel for the petitioner and Mr. Chaubey Jawahar, learned APP for the State.

3. The petitioner seeks bail in connection with Gurua P.S. Case No. 216 of 2024 instituted for the offences under Section 20/22 of the N.D.P.S. Act.

4. As per prosecution case, the police has recovered 600 gram of Ganja, wrapped in a plastic, from the possession of the petitioner.



5. 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. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. 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 concern with the seized contraband. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner has two criminal antecedents and is languishing in judicial custody since 26.06.2024 without any rhymes or reason.

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

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the quantity of contraband which is below the small quantity, 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
Gurua P.S. Case No. 216 of 2024.

(Rudra Prakash Mishra, J)

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