

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82648 of 2024

Arising Out of PS. Case No.-48 Year-2024 Thana- SARSI District- Purnia

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Tinku Yadav @ Chandan Kumar Son of Sugga Yadav @ Suggi Lal Yadav
Resident of Village- Sarsi Milik, P.S.- Sarsi, Distt.-Purnea

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India through Narcotics Control Bureau, Patna Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Jitendra Kumar Pandey, Adv.
For the Opposite Party/s	:	Mr.Binod Kumar No.3, APP
For the O.P. No.2	:	Dr. K.N. Singh, Sr. Adv., A.S.G.

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 03-12-2024 Heard learned counsel for the petitioner and learned
APP for the State as also learned counsel for the O.P. No.2.

2. The petitioner seeks bail in connection with Sarsi
P.S. Case No. 48 of 2024 in Spl. NDPS Case No. 46 of 2024
instituted for the offences under Section8(C)/21(b) of the
N.D.P.S. Act.

3. The petitioner has earlier moved before this Court
with a prayer for anticipatory bail which was dismissed vide
order dated 26.06.2024 passed by this Court in Cr. Misc. No.
43066 of 2024.

4. As per prosecution case, the police has recovered
total 30 gm. Smack (Brown Sugar) from the possession of the



co-accused persons.

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. The name of the petitioner has transpired in this case on the basis of the confessional statement of the co-accused Dablu Singh and Suman Kumar, who were arrested on the spot. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The quantity of alleged contraband 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. 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 one criminal antecedent and is languishing in judicial custody since 30.07.2024 without any rhymes or reason.

6. On the other hand, learned A.P.P. for the State and the O.P. No.2 have 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 period of custody of the petitioner, 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 Sarsi P.S. Case No. 48 of 2024 in Spl. NDPS Case No. 46 of 2024.

(Rudra Prakash Mishra, J)

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