

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78736 of 2024

Arising Out of PS. Case No.-384 Year-2024 Thana- GANDHIMAIDAN District- Patna

Pankaj Malakar Son of Surendra Malakar Resident of Vill- Dumrawan, P.S.-
Deep Nagar, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mithilesh Kumar, Advocate

For the Opposite Party/s : Mr. Ajit Kumar, 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 Gandhi
Maidan P.S. Case No. 384 of 2024 instituted for the offences
under Sections 20, 21 & 22 of the NDPS Act and Sections 25(1-
B)a & 26 of the Arms Act.

3. Prosecution allegation, in short, is that 400 grams
of ganja and one double barrel pistol were recovered from the
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 owing to the family dispute between the wife of the petitioner and the wife of the younger brother of the petitioner. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner further submits that petitioner has neither concern with the recovered contraband nor with the recovered arms. The recovered contraband is below the small quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. The petitioner is in custody since 14-07-2024 and has got no criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. There is no compliance of Section 100 of the Cr.P.C.

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 the small 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 Gandhi Maidan P.S.



Case No. 384 of 2024.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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