

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81519 of 2024

Arising Out of PS. Case No.-538 Year-2024 Thana- FORBESGANJ District- Araria

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Mahesh Das @ Mahesh Kumar Das Son of Late Dukha Das Resident of
Village-Mela Road , Ward no- 01, P.O and P.S- Forbesganj , Distt.- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Choubey, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

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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.

2. The petitioner seeks bail in connection with Forbesganj P.S. Case No. 538 of 2024, instituted for the offences punishable under Sections 8 and 20(b)(II)(B) of the NDPS Act.

3. Prosecution allegation, in short, is that there is recovery of 7 Kg *ganja* from the tin shed house 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 that the petitioner has got no



concern with the alleged recovery of *gajna*. The alleged recovery has been made from the joint house of the petitioner where other family members also reside. 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 30.08.2024 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, the recovered contraband being below the commercial quantity 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 Forbesganj P.S. Case No. 538 of 2024.

(Rudra Prakash Mishra, J)

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