

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83556 of 2023

Arising Out of PS. Case No.-69 Year-2023 Thana- KUNALI District- Supaul

Nityanand Jha Son Of Late Kamleshwari Jha Village- Babhan Chakka Ps-
Sangrampur Dist- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

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

ORAL ORDER

7 26-06-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Kunauli PS Case No. 69 of 2023 instituted for the offences
under Sections 21(b), 22(b) and 25(a) of the NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of 90 bottles cough syrup, 276 injections and 444
tablets from a paper box brought by the petitioner and kept in
the house of one Dukha Jha.

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 petitioner has no concern with the recovered contraband. It is next submitted that the quantity of codine is 9 gram, which is below small quantity and so far as injections and tablets are concerned, it does not come within the ambit of psychotropic substance. 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 27-07-2023, 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, recovery below small quantity, period of custody 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 Kunauli PS Case



No. 69 of 2023.

(Rudra Prakash Mishra, J)

Raj Kishore/-

U		T	
---	--	---	--

