

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81230 of 2024

Arising Out of PS. Case No.-234 Year-2024 Thana- GOH District- Aurangabad

Biththal Ravidas @ Bithal Ravidas S/o Late Surendra Ravidas @ Surendra Das Resident of Village- Goh Pokhar Par, Police Station- Goh, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uma Kant Mishra, Advocate
For the Opposite Party/s : Mr. Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 22-11-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Goh P.S. Case No. 234 of 2024, instituted for the offences punishable under Sections 8/20(b)(ii)(B), 25 and 29 of the NDPS Act.

3. Prosecution allegation, in short, is that there is recovery of 76.5 grams of *ganja* from the possession of co-accused Saurav Kumar.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. No



incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner also submits that the petitioner has got no concern with the alleged recovery of *ganja*. The alleged recovery of *ganja* has been made from the possession of co-accused Saurav Kumar. 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 16.08.2024 and has got no criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted bail by this Court vide order dated 21.10.2024 in Cr. Misc. No. 71672 of 2024.

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 Goh P.S. Case No.
234 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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