

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10211 of 2024

Arising Out of PS. Case No.-22 Year-2023 Thana- NAUGACHIA District- Bhagalpur

Mithun Singh @ Mirtunjay Singh @ Mithun Kumar Son Of Udaya Nand
Singh @ Daya Nand Singh Resident Of Village - Mill Tola Naugachia,
District - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Rajesh Kumar, Advocate
For the State : Mr. Choubey Jawahar, APP

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

ORAL ORDER

2 21-02-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with NDPS
Case No. 19 of 2023, arising out of Naugachia P.S. Case No. 22
of 2023, instituted for the offence under Sections 8(c) &17(A)
of the NDPS Act.

3. As per prosecution case, total 50-60 grams of ganja
was recovered from the possession of the petitioner.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 07-02-2023. Petitioner
bears twelve criminal antecedent as per disclosure made in
paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's



counsel that petitioner has been falsely implicated in the present case. Nothing has been recovered from the conscious possession of the petitioner. Even though the alleged recovered quantity comes within the ambit of small quantity. Hence, Section 37 of the NDPS Act is not applicable in the instant case. There is no compliance of Sections 42 & 50 of the NDPS Act.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner and recovered quantity comes within the ambit of small quantity, this Court is inclined to grant bail to the petitioner.

8. 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 NDPS Case No. 19 of 2023, arising out of Naugachia P.S. Case No. 22 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on



two consecutive dates, the Trial Court will have liberty to
cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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