

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4788 of 2024

Arising Out of PS. Case No.-445 Year-2023 Thana- MANER District- Patna

Piyush Kumar S/O Ramesh Prasad R/O Near Sarkari Hospital Char Hazar
Muhalla, P.O.- Maner, P.S.- Maner, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mohit Raj, Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

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

ORAL ORDER

6 10-07-2024 Heard learned counsel for the petitioner, learned APP
for the State and perused the case diary.

2. The petitioner apprehends arrest in Maner P.S. Case
No. 445 of 2023, registered under Sections 8(c), 20(b) and 21(c)
of the NDPS Act.

3. The prosecution case, in short, is that, 275 grams of
smack, 25 grams opium and 5 grams of some grey coloured
contraband substance were recovered from the possession of co-
accused Shubham Kumar.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. It is further submitted that name of the petitioner
has transpired on the basis of confessional statement of co-
accused Shubham Kumar. The petitioner is separate in mess and
business from the co-accused. As per FSL report, the recovered



contraband is found to be 07.65 gram codeine which is just below the small quantity and 07.57 gram morphine which is above the small quantity but below the commercial quantity. 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 has got two criminal antecedents. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named in the event of arrest/surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Maner P.S. Case No. 445 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Rudra Prakash Mishra, J)

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