

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.523 of 2024

Arising Out of PS. Case No.-801 Year-2023 Thana- DANAPUR District- Patna

Vishal Kumar S/O Bijendra Yadav @ Bijendra Ray R/O Saguna Gandhi
Murti, Khada Kuua Ward No. 13, Ps. Danapur, Dist. Patna, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Kant Kumar, Advocate

For the Opposite Party/s : Mr. Pranav Kumar, APP

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

ORAL ORDER

4 10-05-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Special
NDPS Case no. 157 of 2023, arising out of Danapur PS Case
No. 801 of 2023, instituted for the offences under Sections 20,
21 & 22 of the NDPS Act.

3. Prosecution allegation, in short, is that 3.68 grams
of smack like substance was recovered from the co-accused
including the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. Charge-sheet been submitted in this 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. 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 14-06-2023, and has got no criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. Other co-accused has been granted bail by this Court *vide* order dated 01-05-2024, passed in Cr. Misc. No. 5290 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, claim based on parity 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 Special NDPS Case No. 157 of 2023, arising out of Danapur PS Case No. 801 of 2023.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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