

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85040 of 2024

Arising Out of PS. Case No.-58 Year-2024 Thana- SIMULTALLA District- Jamui

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Amit Kumar @ Amit Kumar Sah Son of Ashok Kumar Sah @ Ashok Sah
Resident of Village- Ambakola (Pujhardih), P.S.- Chandramandi, Distt.- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shruti Sinha, Advocate

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

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

ORAL ORDER

2 16-12-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. Learned counsel for the petitioner is permitted to
make necessary correction in paragraph no. 1 during course of
the day.

3. The petitioner seeks bail in connection with
Simultalla P.S. Case No. 58 of 2024, instituted for the offences
punishable under Sections 8(c), 20(b)(ii)(b) and 29 of the NDPS
Act.

4. Prosecution allegation, in short, is that there is
recovery of 6.874 Kg of *ganja* from the possession of the
petitioner.



5. 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 further submits that the petitioner has got no concern with the alleged recovery of *ganja*. The alleged recovery of *ganja* has been made from the bag of co-accused, namely, Vishal 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 14.07.2024 and has got one criminal antecedent in which he is on bail. There is no compliance of Sections 42 and 50 of the N.D.P.S. 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, 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.

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 Simultalla P.S. Case
No. 58 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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