

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82516 of 2024

Arising Out of PS. Case No.-60 Year-2024 Thana- KURLIKOT District- Kishanganj

Alkabiruddin Raja Son of Umar Ali Ahmad @ Umar Ali Hamid @ Umar Ali
Ahamed R/O Vill.- Chanderikothi, P.S- Dinhata, District- Coach Bihar (W.B)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

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

ORAL ORDER

2 09-12-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Kurlikot PS Case No. 60 of 2024 instituted for the offences
under Sections 8, 20(b)(ii)(B) of the NDPS Act.

3. Prosecution allegation, in short, is that 5.5087 Kg
of ganja was recovered inside the dicky of the motorcycle which
was driven by the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from
the conscious possession of the petitioner. Learned counsel for
the petitioner further submits 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 03-10-2024 and has got one criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

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, recovery below 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 Kurlikot PS Case No. 60 of 2024.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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