

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5290 of 2024

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

Sonu Kumar S/O Virut Pandit @ Viru Pandit R/O Lal Kothi, Near-Govt. School, P.S- Danapur, Distt.- 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. Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

5 01-05-2024 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.

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, clean antecedent of the petitioner 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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