

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.84423 of 2024**

Arising Out of PS. Case No.-142 Year-2024 Thana- RUPAULI District- Purnia

Manjesh Yadav @ Manjesh Kumar Son of Gulabi Yadav Resident of village  
-Sudama Nagar, P.S.- Bhawanipur, Distt.- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Raj Kumar, Adv.

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

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

ORAL ORDER

2      11-12-2024                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner seeks bail in connection with Rupauli  
P.S. Case No. 142 of 2024 instituted for the offences under  
Sections 8(c), 21(b) of the N.D.P.S. Act.

3. As per prosecution case, the police has recovered 23  
*purias* containing total 10.19 grams Smack (brown sugar) from  
the possession of the co-accused Bibhash Kumar @ Bambam  
Kumar.

4. Learned counsel for the petitioner submits that the  
petitioner is innocent and has committed no offence as alleged  
against him and has falsely been implicated in the present case.  
The petitioner was not arrested on spot and his name has



surfaced in this case on the basis of the disclosures made by the co-accused Bibhash Kumar @ Bambam Kumar. He further submits that no contraband has been recovered from the conscious possession of the petitioner rather the same was recovered from the possession of the co-accused Bibhash Kumar @ Bambam Kumar. The petitioner has no concern with the seized contraband. The petitioner has never indulged in selling of Smack. He further submits that quantity of Smack is above the small quantity but much below the commercial quantity as specified in the N.D.P.S. Act and, hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Section 42 and 50 of the N.D.P.S. Act. There is also non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner has one criminal antecedent in which he is on bail and is languishing in judicial custody since 30.09.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature.

6. Having heard rival contention of both the parties



and considering the entire facts and circumstances of the case, the period of custody and the quantity of alleged contraband being much below the commercial quantity, let the petitioner, abovenamed, 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 Rupauli P.S. Case No. 142 of 2024.

(Rudra Prakash Mishra, J)

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