

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85659 of 2024

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

Bibhash Kumar @ Bambam Kumar Son of Prabhakar Singh @ Prabhakar
Yadav Resident of village - P.S -Rupauli, District -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 petitioner.

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 arrested on spot. He further submits that no
contraband has been recovered from the conscious possession of



the petitioner rather a false and concocted allegation of recovery of 10.19 Grams Smack like substance has been leveled against him. The petitioner has no concern with the seized contraband. The petitioner has never indulged in selling of Smack. He further submits that the 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 26.09.2024 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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