

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84917 of 2023

Arising Out of PS. Case No.-305 Year-2023 Thana- SONBERSA District- Sitamarhi

Sochindra Raut @ Suchindra Raut Son of Bal Kumar Raut R/O Village- Janki
Nagar, Ward No. 09, P.S.- Gorela, Dist.- Sarlahi, Country- Nepal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Advocate

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

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

ORAL ORDER

3 01-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Sonbarsa P.S. case No. 305 of 2023 instituted for the offences
under Sections 8, 20(b)(ii)(B) of the N.D.P.S. Act.

3. Prosecution case, in short, is that total 3 Kg. *ganja*
has been recovered beneath the seat of motorcycle.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.
Charge-sheet has been submitted in this case. Petitioner is in
custody since 05.10.2023 and has no criminal antecedent. There
is no allegation of tampering of witnesses alleged against the
petitioner. Petitioner has no concern with the recovered



contraband. No incriminating material has been recovered from the conscious possession of the petitioner. The recovered contraband is below commercial quantity, 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.

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 as also 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 Sonbarsa P.S. case No. 305 of 2023.

(Rudra Prakash Mishra, J)

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