

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86091 of 2023

Arising Out of PS. Case No.-179 Year-2023 Thana- GAYA RAIL P.S. District- Gaya

Bablu Kumar S/O Kamlesh Yadav Village- Bhurha, Ps. Kunda And Dist.
Chatra (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aryan Singh, Adv.

For the Opposite Party/s : Ms.Rita Verma, APP

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

ORAL ORDER

4 20-03-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
N.D.P.S. Case No. 48 of 2023 arising out of Gaya Rail P.S.
Case No. 179 of 2023 instituted for the offences under Section
8, 17(C) and 18(C)/117(C) and 119(C) of the Narcotic Drugs
and Psychotropic Substance Act.

3. As per prosecution case, the police, during *gusty*,
saw 3-4 persons seated and on seeing the police party, they
started to flee away but, were apprehended who disclosed their
names as mentioned in the F.I.R. On search, the police found
different bags of Drugs and Psychotropic Substances of different
quantity and mobile phone. It has been alleged that the police



has recovered 492 gram opium 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. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The quantity of opium recovered is less than the commercial quantity. 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. The petitioner has no concern with the seized contraband. The petitioner has one criminal antecedent as has been stated in paragraph no.3 of the present bail application. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner is languishing in judicial custody since 20.06.2023. Charge-sheet has already been submitted in this case.

5. Learned counsel for the petitioner again submits that co-accused Bijendra Kumar has been granted bail by this Court vide order dated 26.02.2024 passed in Cr. Misc. No. 11849 of 2024.



6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the fact that similarly situated co-accused has been granted bail by this court, 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 N.D.P.S. Case No. 48 of 2023 arising out of Gaya Rail P.S. Case No. 179 of 2023.

(Rudra Prakash Mishra, J)

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