

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85613 of 2024

Arising Out of PS. Case No.-427 Year-2024 Thana- MIRGANJ District- Gopalganj

Ramlal Prasad @ Ramlal Gupta S/O Late Mangal Prasad R/O Village- Pipra khas Dakshin Tola, P.S- Mirganj, Dist.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 17-12-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Mirganj P.S. Case No. 427 of 2024 instituted for the offences under Sections 8/20(b)(ii)(b) of the N.D.P.S. Act.

3. As per prosecution case, the police has recovered total 1.300 Kg. Ganja from the house 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 merely on the basis of suspicion. He further submits that in fact, nothing incriminating has been recovered from the conscious possession of the petitioner rather the alleged contraband has



been recovered from the joint house of the petitioner and his family. The petitioner was not arrested on spot and has been implicated in this case on the basis of suspicion and, except suspicion, there is nothing against the petitioner. The quantity of Ganja recovered is much 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. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner has no criminal antecedent and is languishing in judicial custody since 23.09.2024 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.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case, the quantity of contraband being much below the commercial quantity, the period of custody and the petitioner having no criminal antecedent, 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 Mirganj P.S.



Case No. 427 of 2024.

(Rudra Prakash Mishra, J)

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