

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13627 of 2024

Arising Out of PS. Case No.-189 Year-2022 Thana- KARPI District- Jehanabad

Mithilesh Sharma S/o Late- Shaligram Sharma R/o Village Karpi, P.S. Karpi,
District Arwal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Patanjali Rishi, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

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

ORAL ORDER

2 06-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Karpi
P.S. case No. 189 of 2022 instituted for the offences under
Sections 8, 20(b)(ii)(B), 25, 27A of the N.D.P.S. Act.

3. Prosecution case, in short, is that 2 Kg. *ganja* has
been recovered in this case.

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 20.09.2023 and has four criminal antecedents but
he is on bail in all the cases. There is no allegation of tampering
of witnesses alleged against the petitioner. No incriminating



material has been recovered from the conscious possession of the petitioner rather the recovery has been made from the premises used for residential purposes by the person apprehended by the police. The recovered contraband is much 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 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 Karpi P.S. case No. 189 of 2022.

(Rudra Prakash Mishra, J)

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