

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6313 of 2024

Arising Out of PS. Case No.-975/23 Year-2023 Thana- KHAJANCHI HAT District- Purnia

Md Masoom Raja @ Md Masum son of Raja Masiuddin@ Md. Masiuddin
Resident of Village - Moglaha, P.S.- K.Nagar(Champanagar), District -
Purnea.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate. Mr. Bidhu Ranjan, Advocate. Ms. Diksha Kumari, Advocate.
For the Opposite Party/s :		Mr. Ataur Rahman, A.P.P.

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

ORAL ORDER

2 15-02-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail in connection with
K.Hat (Maranga) P.S. Case No. 975 of 2023 instituted for
the offence under Sections 8(c)/21(b) of the N.D.P.S. Act.

3. As per the prosecution case, total 15 gms of
smack was recovered from the possession of the co-accused
Abhishek Anand and the petitioner.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 20.08.2023. Petitioner
bears one criminal antecedents, as per disclosure made in
paragraph No. 3 of the bail application.



5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. It is further submitted that from bare perusal of the F.I.R., it is evident that the petitioner was not present at the spot and his name has been disclosed by apprehended co-accused Abhishek Anand. It is further submitted that the recovered quantity of 15 gms of smack is more than small quantity but less than commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in this Case. There is no compliance of the Section 42 and 50 of the N.D.P.S. Act.

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

7. Considering the aforesaid facts and circumstances of the case as well as period of custody of the petitioner, this Court is inclined to grant bail to the petitioner.

8. 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 K.Hat (Maranga) P.S. Case No. 975 of
2023.

(Rudra Prakash Mishra, J)

Nilmani/-

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