

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3901 of 2024

Arising Out of PS. Case No.-869 Year-2023 Thana- FORBESGANJ District- Araria

Bishwajeet Kumar @ Vishvajeet Kumar S/O - Shree Kartik Prasad Mandal
R/O Village- Pachira, Ward No. 8,P.S.- Raniganj, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Mandal, Adv.

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

2 30-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Forbesganj (Simraha) P.S. Case No. 869 of 2023 corresponding to Special Case No. 82 of 2023 instituted for the offences under Sections 21(B) of the N.D.P.S. Act.

3. The prosecution case pertains to recovery of 40.50 grams of smack like narcotics substance from altogether four accused persons including the present petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. He further submits that the recovered smack does not come within the purview of commercial quantity as per N.D.P.S. Act. The petitioner has no criminal antecedent and is languishing in judicial custody since 15.09.2023. The quantity



of Ganja 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 also no compliance of Section 42 and 50 of the N.D.P.S. Act. Learned counsel for the petitioner submits that the co-accused/Awan Kumar has already been enlarged on bail by a Co-ordinate Bench of this Court vide order dated 12.01.2024 passed in Cr. Misc. No. 123 of 2024.

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

6. Considering the entire facts and circumstances of the case and taking into account that the similarly situated co-accused has been granted bail by a Co-ordinate Bench of this Court as also the petitioner having no criminal antecedent, let the petitioner, abovenamed, be released on bail after framing of charge if the charge is not framed 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 Forbesganj (Simraha) P.S. Case No. 869 of 2023 corresponding to Special Case No. 82 of 2023 .

(Rudra Prakash Mishra, J)

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