

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1461 of 2025

Arising Out of PS. Case No.-29 Year-2019 Thana- CHHAURADANO District- East
Champaran

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Balram Giri @ Baliram Giri S/O Late Bhutan Giri R/O Vill - Jhitakahiya, P.S.
- Adapur, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar No.III, Advocate

For the Opposite Party/s : Mr. Bharat Lal, APP

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

ORAL ORDER

2 22-01-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Chhauradano PS Case No. 29 of 2019 instituted for the
offences under Sections 20 & 22 of the NDPS Act. Earlier vide
order dated 23-08-2022, passed in Cr. Misc. No. 267 of 2022,
anticipatory bail of the petitioner was dismissed as withdrawn.

3. Prosecution allegation, in short, is that there is
recovery of 5.500 Kg ganja from the possession of one
Kanahiya Lal, who disclosed that the said contraband was



loaded on the instructions of co-accused, including the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner further submits petitioner has no concern with the recovered contraband. The recovered contraband is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. The petitioner is in custody since 22-10-2024 and has got no criminal antecedent. There is no compliance of Sections 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, recovery below commercial quantity and 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 Chhauradano PS
Case No. 29 of 2019.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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