

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1790 of 2025

Arising Out of PS. Case No.-858 Year-2024 Thana- GOPALGANJ TOWN District-
Gopalganj

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Nagendra Sah S/O Prabhunath Sah @ Raghunath Sah Resident of Village-
Singhorawa, P.S- Yadopur, District- Gopalganj.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Home, Narcotic
Drugs Control Bureau, New Delhi Bihar
2. The State of Bihar Through the Department of Narcotic Drugs Control
Bureau, Patna. Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brajesh Kumar Singh, Advocate
For the Opposite Party/s : Dr. Krishna Nandan Singh (A.S.G)

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

ORAL ORDER

2 28-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Gopalganj P.S. Case No. 858 of 2024, instituted for the offences
punishable under Sections 8(c) and 21(a) of the NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of 3.4 Kg *ganja* from the motorcycle of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from
the conscious possession of the petitioner. Learned counsel for



the petitioner further submits that the petitioner has got no concern with the alleged recovery of *ganja*. 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 28.11.2024 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, the recovered contraband being below the 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 Gopalganj P.S. Case No. 858 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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