

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4416 of 2025

Arising Out of PS. Case No.-199 Year-2024 Thana- KUDRA District- Kaimur (Bhabua)

Shyam Sundar Sharma S/o Jagmohan Sharma R/o Village- Bhadaula, P.S.-
Kudra, District- Kaimur (Bhabua)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Murli Dhar, APP

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

ORAL ORDER

2 24-01-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Kudra
P.S. Case No. 199 of 2024 instituted for the offences under
Sections 8(C), 21(b), 27(a) & 29 of the N.D.P.S. Act.

3. As per prosecution case, the police has recovered
9.590 grams smack in 19 small packets from the possession of
one ‘Mahtab Faruki’ whereas 6.740 grams in 46 packets were
recovered from the possession of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.
He further submits that nothing incriminating has been



recovered from the conscious possession of the petitioner. The petitioner has no concern with the seized contraband. The quantity of contraband 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 no compliance of Section 42 and 50 of the N.D.P.S. Act. There is also non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner has no criminal antecedent and is languishing in judicial custody since 17.06.2024 without any rhymes or reason. Other co-accused has been granted bail by this Court *vide* order dated 05-12-2024, passed in Cr. Misc. No. 69736 of 2024.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case, the quantity of contraband being much below the commercial quantity, period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, 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



Kudra P.S. Case No. 199 of 2024.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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