

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3726 of 2025

Arising Out of PS. Case No.-569 Year-2024 Thana- FATUA District- Patna

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Satish Kumar Son of Panchanand Roy @ Panchanan Roy Resident Of
Village- Kewlatal, Ps -Fatuha, Dist- Patna

... .. Petitioner/s

Versus

1. The Union of India through NCB New Delhi
2. The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Shraddhanand Paswan, Advocate
For the State	:	Mr. Anil Prasad Singh, APP
For the U.O.I.	:	Dr. Krishna Nandan Singh (A.S.G)
		Ms. Savita Singh, Advocate

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

ORAL ORDER

2 29-01-2025 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the Union of India.

2. The petitioner seeks bail in connection with Fatuha
P.S. Case No. 569 of 2024 (Special NDPS Case No. 156 of
2024), instituted for the offences punishable under Sections 8,
20(b)(ii)(B) of the NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of 5.210 Kg *ganja* from the possession and husk room
of 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 has 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 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 21.08.2024 and has got three criminal antecedents. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

5. Learned A.P.P. for the State and learned counsel for the Union of India have 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 Fatuha P.S. Case No. 569 of 2024 (Special NDPS Case No. 156 of 2024), subject to the following conditions:



(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Rajorshi/-

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