

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7572 of 2025

Arising Out of PS. Case No.-294 Year-2024 Thana- MANJHAGARH District- Gopalganj

Kundan Baitha S/O Subhash Baitha Resident of Village- Amaithi Khurd, P.S.-
Thawe, Dist.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saurabh Kumar, Advocate

For the Opposite Party/s : Mr. Dinesh Singh, APP

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

ORAL ORDER

2 06-02-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Manjhagarh PS Case No. 294 of 2024 instituted for the offences
under Sections 21(a), 22(a) & 8(c) of the NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of total 80.42 gram smack out of which 14.10 gram
smack has been recovered from the possession 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 already 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 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 08-10-2024 and has got two criminal antecedents. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. Other co-accused has been granted bail by this Court *vide* order dated 23-01-2025, passed in Cr. Misc. No. 1344 of 2025.

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, claim based on parity 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 Manjagarh PS Case No. 294 of 2024.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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