

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13072 of 2025

Arising Out of PS. Case No.-440 Year-2024 Thana- BANMANKHI District- Purnia

Md. Arif Son of Md. Sattar @ Md. Satar Res of Village- Darjipatti, Masjid
Road, Rahmat Nagar, Ward No. 2, P.S.- Banmankhi, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bidhu Ranjan, Advocate

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

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

ORAL ORDER

2 06-03-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Banmankhi PS Case No. 440 fo 2024 instituted for the offences
under Sections 8(c), 21(b), 25 & 29 of the NDPS Act.

3. Prosecution allegation, in short, is that 6.04 gram
smack is recovered from co-accused, namely, Raja Kumar, who
disclosed the name of the petitioner as one of the associates and
the person who fled away from the spot.

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 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 20-01-2025, and has got one 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, ***after framing of charge, if not already framed***, 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 Banmankhi PS Case No. 440 fo 2024.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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