

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14537 of 2025

Arising Out of PS. Case No.-658 Year-2024 Thana- GARDANIBAG District- Patna

Mukesh Kumar @ Vishwajeet Kumar Son of Sri Asha Rai @ Ash Narayan Rai Resident of Village- Raghopur (Mirampur), P.S.- Raghopur, District- Vaishali at present Resident of Village- Janta Road, Pathar Gali, P.S.- Gardanibagh, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 18-03-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Gardanibagh P.S. Case No. 658 of 2024 instituted for the offences under Sections 8/20(b) (ii)(A) of the N.D.P.S. Act.

3. As per prosecution case, the police has recovered 110 grams of *Ganja* from the possession of the petitioner.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case merely on the basis



of suspicion. Petitioner is in custody since 04.12.2024 and has three criminal antecedents out of which in one of them, he has been acquitted and in two of them, he is on bail as has been stated in Para-3 of the present bail petition. The petitioner was not arrested on the spot and nothing incriminating has been recovered from the conscious/physical possession of the petitioner. There is no allegation of tampering of witnesses alleged against the petitioner. The recovered contraband is below the commercial quantity, and hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. 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 and the period of custody undergone by the petitioner as also the quantity of seized contraband being much below



the commercial quantity, 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 Gardanibagh P.S. Case No. 658 of 2024.

(Rudra Prakash Mishra, J)

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