

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18233 of 2025

Arising Out of PS. Case No.-227 Year-2024 Thana- KURSAILA District- Katihar

Manas Kumar @ Manas Son of Sushil Kumar Mishra @ Susil Mishra
Resident of Village -Sanokhar, P.S. - Sanokhar, District - Bhagalpur (Bihar),
presently Resident of R.K. Lane Kharmanchak, P.S. - Jogsar/Adampur,
District - Bhagalpur (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Anil Kumar, APP

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

ORAL ORDER

2 27-03-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with NDPS
Case No. 113 of 2024, arising out of Kursela P.S. Case No. 227
of 2024, instituted for the offences punishable under Sections
8(c) and 21(b) of the NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of 7.94 gm smack 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 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 smack. 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 02.12.2024 and has got no 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, 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 NDPS Case No. 113 of 2024, arising out of Kursela P.S. Case No. 227 of 2024.

(Rudra Prakash Mishra, J)

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