

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62673 of 2024

Arising Out of PS. Case No.-31 Year-2023 Thana- KUNAUTI District- Supaul

Jagdish Das Son of Laxman Das R/V- Village- Kunauli, Ward No. 3, P.S.-
Kunauli, Distt.- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

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

ORAL ORDER

4 20-01-2025 Heard Mr. Ranjay Kumar Singh, learned counsel
for the petitioner, Mr. Choubey Jawahar, learned APP for the
State and perused the case diary.

2. Learned APP for the State Mr. Choubey Jawahar is
permitted to make necessary correction at paragraph no. 9 of the
counter affidavit during course of day.

3. The petitioner seeks bail in connection with
Kunauli P.S. Case No. 31 of 2023, instituted for the offences
punishable under Sections 8, 20(b)(ii)(B), 21(b), 22(b) of the
NDPS Act and Section 30(a) of Bihar Prohibition and Excise
Act.

4. Prosecution allegation, in short, is that there is
recovery of 2 Kg *ganja*, 700 gm *charas*, 1226 tablets, 54 bottles



cough syrup and 8.4 liters liquor have been recovered from the house of the petitioner. The petitioner was apprehended on spot.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner further submits that the alleged recovery has been made from the joint house of the petitioner where other family members also reside. The recovered contraband are 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 22.03.2023 and has got six criminal antecedents in which he is on bail in all cases. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is also submitted that he has filed a counter affidavit and has mentioned the exact amount of contraband present in the seized substances in paragraph nos. 6, 9 and 10. It is further submitted that recovered contraband are below the commercial quantity.

7. 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.

8. 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 Kunauli P.S. Case No. 31 of 2023, 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)

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