

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80660 of 2024

Arising Out of PS. Case No.-469 Year-2024 Thana- BIDUPUR District- Vaishali

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Sushil Kumar @ Bhulla S/O Heera Rai R/o - Bishunpur Rajkhand, P.S-
Bidupur, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Fahad Khurshid, Advocate

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

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

ORAL ORDER

3 18-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Bidupur
P.S. Case No. 469 of 2024 instituted for the offences under
Sections 20, 22 of the N.D.P.S. Act.

3. Prosecution case, in short, is that total 7.970 grams
kota and 35.300 grams *ganja* has been recovered in this case
along with other articles.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.
Charge-sheet has been submitted in this case. Petitioner is in
custody since 17.08.2024 and has two criminal antecedents.
There is no allegation of tampering of witnesses alleged against



the petitioner. No incriminating material has been recovered from the conscious possession of the petitioner. The recovered narcotics, i.e. *ganja* and *kota* are below 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. Learned APP further submitted that he has filed counter-affidavit in the matter and has specifically stated the amount of narcotics seized in this case. Learned APP referring to paragraph no. 6 of the counter-affidavit submitted that narcotic '*kota*' is in fact smack under the the NDPS Act. Learned APP further submitted that seized '*kota*' (Smack) is above the small quantity but less than commercial quantity whereas seized *ganja* is below the small quantity as per the NDPS Act.

6. Considering the aforesaid facts and circumstances of the case, seized contraband being less than commercial quantity, as also 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 Bidupur P.S. Case
No. 469 of 2024.

Alok Verma/-
(Rudra Prakash Mishra, J)

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