

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82361 of 2024

Arising Out of PS. Case No.-185 Year-2024 Thana- DARBHANGA District- Darbhanga

Krishna Kumar@ Golu Son of Raja Sahani Resident of Village
-Shubhankarpur , P.S-Town District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha, Advocate

For the Opposite Party/s : Ms. Anita Kumari, APP

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

ORAL ORDER

4 27-03-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Town
P.S. Case No. 185 of 2024 instituted for the offences under
Sections 8(c), 21(c), 29 and 35 of the N.D.P.S. Act.

3. Prosecution case, in short, is that 1992 tablets of
Pyeevan spas plus and 735 tablets of Anxit 0.5 (Alprazolam) has
been recovered from the house of the petitioner.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.
Petitioner is in custody since 12.09.2024 and has no criminal
antecedent. 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 contraband is 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 and has also filed counter-affidavit in the matter. Learned APP referring to paragraph nos. 7 and 8 of the counter-affidavit submitted that there is recovery of (i) Pyeevon Spas Plus tablet, 1992 in number which contains narcotic substance, i.e., Tramadol which falls under the purview of NDPS Act and the same is less than commercial quantity but more than small quantity and (ii) Alprazolam Tablets, 735 in number which also falls under the purview of NDPS Act and the same is less than the small quantity.

6. Considering the aforesaid facts and circumstances of the case, recovery of the 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 Town P.S. Case No. 185 of 2024, 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.

(III) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Rudra Prakash Mishra, J)

Alok Verma/-

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