

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85665 of 2024

Arising Out of PS. Case No.-42 Year-2024 Thana- Basmatia District- Araria

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Dipen Kumar Yadav Son of Jokhan Yadav @ Jakhan Yadav Resident of
Village- Bela, Ward No.7, P.S.- Basmatiya, Distt.- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Naushad Uzzoha, Advocate

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

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

ORAL ORDER

3 27-02-2025 Heard learned counsel for the petitioner and Mr. choubey
Jawahar, learned APP for the State.

2. The petitioner seeks bail in connection with
Basmatiya PS Case No. 42 of 2024 instituted for the offences
under Sections 21(b), 22 & 23 of the NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of (I) Nitrazepam Tablet I.P. 10 mg - 1500 nos. (ii)
Tramadol Hydrochloride capsule I.P. - 470 Nos. (iii) Diclomine
Hydrochloride Tremadol Hydrochloride & Acetamenophen
Capsule – 96 Nos., 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 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 petitioner has no concern with the recovered contraband. 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 06-10-2024 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. Referring to paragraph Nos. 7, 8 & 9 of the counter affidavit it is submitted that Nitrazenpam Tablet is below small quantity; Tramadol Hydrochloride capsule is more than small quantity but less than commercial quantity; and Tramadol Hydrochloride @ Acetaminophen is below small quantity.

6. Considering the aforesaid facts and circumstances of the case, recovery below 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 Basmatiya PS Case
No. 42 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.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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