

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87206 of 2024

Arising Out of PS. Case No.-59 Year-2024 Thana- KURLIKOT District- Kishanganj

Pappu Prasad Gupta @ Pappu son of Mahesh Prasad Gupta village-
Chhatargachh, Ps- Paharkatta, Dist- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan, Advocate

For the Opposite Party/s : Mr. N. N. Tiwari, APP

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

ORAL ORDER

2 07-01-2025 Heard Mr. Rajeev Ranjan, learned counsel for the
petitioner and Mr. N. N. Tiwari, learned APP for the State.

2. The petitioner seeks bail in connection with
Kurlikot P.S. Case No. 59 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 48 grams of smack from an auto-rickshaw.

4. 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 petitioner is not the owner
of the auto-rickshaw in question, rather he was a passenger in



the said vehicle. 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 01.10.2024 and has got one criminal antecedent in which he is on bail. 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 Kurlikot P.S. Case No. 59 of 2024.

(Rudra Prakash Mishra, J)

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