

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.86913 of 2024**

Arising Out of PS. Case No.-463 Year-2024 Thana- BEGUSARAI TOWN District- Begusarai

Deepak Kumar @ Dipak Tiwari S/O Late Raj Kumar Tiwari Resident of  
Village - Shokhara ward no.-10, P.S - Phulwariya, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                                            |
|--------------------------|---|------------------------------------------------------------|
| For the Petitioner/s     | : | Mr. N.K. Agrawal, Sr. Advocate<br>Mr. Raju Kumar, Advocate |
| For the Opposite Party/s | : | Mr. Choubey Jawahar, APP                                   |

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

ORAL ORDER

2      07-01-2025                      Heard Mr. N.K. Agrawal, learned senior counsel for  
the petitioner and Mr. Choubey Jawahar, learned APP for the  
State.

2. The petitioner seeks bail in connection with Town  
P.S. Case No. 463 of 2024, instituted for the offences under  
punishable under Sections 8, 20(B)iiC of the NDPS Act.

3. Prosecution allegation, in short, is that there is  
recovery of 450 gm *ganja* from the motorcycle 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 has 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 the petitioner has got no concern with the alleged recovery of *ganja*. 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 19.08.2024 and has got three criminal antecedents in which he is on bail in two cases and has been acquitted in one 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.

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 Town P.S. Case No. 463 of 2024.

**(Rudra Prakash Mishra, J)**

Rajorshi/-

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