

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89211 of 2024

Arising Out of PS. Case No.-304 Year-2024 Thana- BANJARIA District- East Champaran

Sunil Dubey S/O Ramnath Dubey Resident of village- Fulwar, P.S-Banjariya,
District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

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

ORAL ORDER

2 15-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
N.D.P.S. G.R. Case No. 92 of 2024 arising out of Banjariya P.S.
Case No. 304 of 2024 instituted for the offences under Sections
8, 20(b), (ii) of the N.D.P.S. Act.

3. Prosecution case, in short, is that, 58 grams ganja
and 6 grams of smack has been recovered in this case.

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 19.10.2024 and has one 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 contrabands are below the 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.

6. Considering the aforesaid facts and circumstances of the case, the recovery of contraband being below the 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 N.D.P.S. G.R. Case No. 92 of 2024 arising out of Banjariya P.S. Case No. 304 of 2024.

(Rudra Prakash Mishra, J)

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