

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.597 of 2025

Arising Out of PS. Case No.-145 Year-2024 Thana- Bhawanipur District- Bhagalpur

Rakesh Yadav S/O Chhote Lal Prasad Yadav @ Chhote Lal Yadav R/O Baisa,
Ward no.1, P.S. Parbatta, District Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhav Krishna, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

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

ORAL ORDER

2 20-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Bhawanipur P.S. Case No. 145 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 total 2 Kg. of
ganja has been recovered in this case.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.
Petitioner is in custody since 07.10.2024 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 just above the small quantity and far 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.

6. Considering the aforesaid facts and circumstances of the case, quantity of the recovered contraband being less than commercial quantity, clean antecedent 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 Bhawanipur P.S. Case No. 145 of 2024.

(Rudra Prakash Mishra, J)

Alok Verma/-

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