

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90283 of 2024

Arising Out of PS. Case No.-362 Year-2024 Thana- JANKINAGAR District- Purnia

Arun Kumar S/o Shree Shiv Narayan Yadav Resident of village- Ladugarh,
Ward no 08, P.S.- Janki Nagar, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh, Adv.
For the Opposite Party/s : Mr.Anish Chandra, APP

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

ORAL ORDER

2 16-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Janki
Nagar P.S. Case No. 362 of 2024 instituted for the offences
under Section 8(c), 21(b) of the N.D.P.S. Act.

3. As per prosecution case, the police has recovered
03.65 gram Smack (brown sugar) from the possession of the co-
accused Sonu Kumar whereas 08.94 grams Smack (brown
sugar) and a motorcycle from the possession of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.
He further submits that nothing incriminating has been



recovered from the conscious possession of the petitioner. There is no F.S.L. report to ascertain the recovered article to be Smack. Even the F.I.R. does not disclose as to whether the recovered article was forwarded to the Forensic Science Laboratory for its examination or not. The recovered contraband is 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. There is also no compliance of Section 103 of the B.N.S.S. The petitioner has no criminal antecedent and is languishing in judicial custody since 09.10.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, 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 Janki Nagar P.S. Case No. 362 of 2024, subject to the following conditions;



(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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