

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.37725 of 2024**

Arising Out of PS. Case No.-49 Year-2024 Thana- MAJORGANJ District- Sitamarhi

Randhir Patel @Krishna Kumar Raut Son of Raj Kumar Patel @Raj kumar Raut R/O Village- Dumariya, Balra Nagar Palika, P.S.- Dumariya, District- Sarlahi (Nepal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

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

ORAL ORDER

3      31-07-2024      Heard learned counsel for the petitioner and learned APP for the State.

2.      The petitioner seeks bail in connection with Majorganj PS Case No. 49 of 2024 instituted for the offences under Sections 8, 20(b)(ii)(B) of the NDPS Act.

3.      Prosecution allegation, in short, is that there is recovery of 4.200 Kg of ganja from beneath the seat of the motorcycle.

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. It is submitted that recovery is below 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 25-02-2024 and has got no criminal antecedent. 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, recovery below 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 Majorganj PS Case No. 49 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

**(Rudra Prakash Mishra, J)**

Raj Kishore/-

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