

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.727 of 2025

Arising Out of PS. Case No.-225 Year-2024 Thana- SARSI District- Purnia

Basuki Nath Jha @ Vasukinath Jha Son of Late Shashi Kant Jha Resident of
Village - Masuria, P.S. - Sarsi, District - Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Prem Kumar Jha, APP

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

ORAL ORDER

3 03-04-2025 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Sarsi
P.S. Case No. 225 of 2024 instituted for the offences under
Sections 8(c), 21(b), 25 of the N.D.P.S. Act.

3. Prosecution case, in short, is that 106.04 gram
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 03.12.2024 and has four 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 rather the recovery has been made from the pocket of the co-accused Chandra Kishore Kumar. Learned counsel further submitted that petitioner was not apprehended on the spot and the petitioner is being dragged in this case at the instance of the apprehended co-accused person, Chandra Kishore Kumar. The recovered contraband is 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, recovery of the contraband being less than 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, ***after framing of charge, if not already framed***, 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 Sarsi P.S. Case No. 225 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.

(III) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Rudra Prakash Mishra, J)

Alok Verma/-

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