

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5780 of 2025

Arising Out of PS. Case No.-325 Year-2024 Thana- MURLIGANJ District- Madhepura

Lalu Kumar S/o- Late Ram Narayan Yadav @ Ramu Yadav Village-
Murliganj W.No-12, Ps- Murliganj Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Uday Chand Prasad, Advocate
	:	Mr. Manoj Kumar, Advocate
	:	Ms. Pooja Prasad, Advocate
For the Opposite Party/s	:	Mr. Ahmad Ali, APP

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

ORAL ORDER

4 05-05-2025 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Murliganj P.S. Case No. 325 of 2024 instituted for the offences under Sections 8(C), 21(B), 22 of the N.D.P.S. Act.

3. Prosecution case, in short, is that total 158 gram smack like substance 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 08.07.2024 and has two criminal antecedents. 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 above the small quantity and far 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 quantity of the recovered 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 Murliganj P.S. Case No. 325 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/-

U		T	
---	--	---	--

