

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.800 of 2025

Arising Out of PS. Case No.-95 Year-2024 Thana- DURGAWATI District- Kaimur (Bhabua)

Ajay Kumar Keshari @ Ajay Keshari S/O Late Uma Shah R/O Vill -
Stuwarganj, Mohania, P.S. - Mohania, Distt. - Kaimur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sumeet Kumar Singh, Advocate Ms. Alka Singh, Advocate Mr. Shivam Singh, Advocate Mr. Kumar Vikram, Advocate Mr. Kumar Avinash, Advocate
For the Opposite Party/s	:	Mr. Mohammad Sufyan, 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
Durgawati PS Case No. 95 of 2024 instituted for the offences
under Sections 8(c), 21(b) & 22 of the NDPS Act.

3. Prosecution allegation, in short, is that 0.86 gram
heroine has been recovered from one *Ramakant Yadav* and he
has disclosed that the same was purchased from the petitioner.

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. Learned counsel for



the petitioner further submits that petitioner has no concern with the recovered contraband. The recovered contraband is below the small quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. The petitioner is in custody since 21-10-2024 and has got two 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 small 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 Durgawati PS Case No. 95 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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